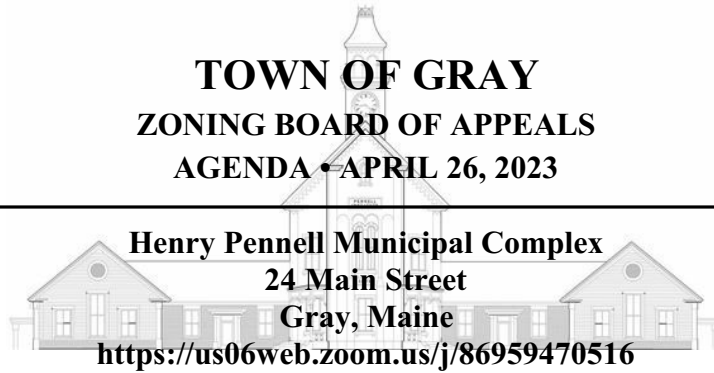


TOWN OF GRAY
ZONING BOARD OF APPEALS
AGENDA • APRIL 26, 2023

**Zoning Board of
Appeals Regular
Meeting**



7:00 PM

I. MEETING COMMENCES

Roll Call

II. MINUTES APPROVAL

Zoning Board of Appeals - March 22, 2023 7pm

- a. March 22, 2023 ZBA Meeting Minutes Approval

III. NEW BUSINESS: PUBLIC HEARINGS

- a. **Goetz Appeal:**

Debi and Andreas Goetz have filed an administrative appeal regarding a proposed five-bedroom short term lodging facility. The definition of a bed and breakfast in Section 402.2.2 establishes a three-bedroom maximum and the definition of a hotel/motel allows for five or more rooms but is not permitted on their property per chapter 402 of the Gray Town Ordinance for their lot located at 14 Yarmouth Road, Gray Tax Map 43, lot 405-30, located in a Village Center Proper Zoning District.

- b. **309 Portland Road Appeal**

Randall Whitney and Jamie MacKinnon have filed an administrative appeal of a Notice of Violation regarding prohibiting a construction services use, as established in The Town of Gray Zoning Ordinance Chapter 402, on their property in a Medium Density Zoning District at 309 Portland Road, Gray Tax Map 069-041-029-001.

IV. ADJOURNMENT

** The Town of Gray is an equal opportunity employer and complies with all applicable equal access to public accommodations law. If you are planning to attend a Town Council or Town committee or board meeting and need assistance with a physical disability, please contact the Town Manager's office at least 48 hours in advance of the meeting to have the Town assist you. 657-3339. TTY 657-3931.*

TOWN of GRAY
ZONING BOARD OF APPEALS
MINUTES • MARCH 22, 2023



Henry Pennell Municipal Complex
24 Main Street Gray, ME, 04039

7:00 PM

I) MEETING COMMENCES

ROLL CALL

Attendee Name	Status
Brad Fogg	Present
Georgia Woodbury	Present
Derek Shirley	Present
Tammy Munson	Present
Martin Meaney	Present

II) MINUTES APPROVAL

II.a) Approval of 10-26-22 ZBA Meeting Minutes

Department: Zoning Board of Appeals

III) NEW BUSINESS: PUBLIC HEARINGS

III.a) Wyman Variance:

Sarah Wyman is requesting a practical difficulty variance for a 30-foot reduction of a 50-foot front line setback to an existing 8-foot by 10-foot shed located on her property at 104 Johnson Road, Gray Maine Tax Map 17, lot 3-13-3, located in a Lake Zoning District.

Department: Zoning Board of Appeals

Motion to approve a.) The need for the variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.

RESULT	PASSED [UNANIMOUS]
MOVER	Brad Fogg
SECONDER	Georgia Woodbury
AYES	Brad Fogg, Georgia Woodbury, Derek Shirley

Motion to approve b.) The granting of the variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally

affect the use of market value of abutting properties.

RESULT	PASSED [UNANIMOUS]
MOVER	Brad Fogg
SECONDER	Georgia Woodbury
AYES	Brad Fogg, Georgia Woodbury, Derek Shirley

Motion to amend c.) The practical difficulty is not the action taken by the petitioner or prior owner. The stipulation that the structure come into compliance with the Town of Gray Zoning Ordinance within one year, March 22, 2024.

RESULT	PASSED [UNANIMOUS]
MOVER	Brad Fogg
SECONDER	Derek Shirley
AYES	Brad Fogg, Georgia Woodbury, Derek Shirley

Motion to approve d.) NO feasible alternative to a variance is available to the petitioner.

RESULT	PASSED [UNANIMOUS]
MOVER	Brad Fogg
SECONDER	0
AYES	Brad Fogg, Georgia Woodbury, Derek Shirley

Motion to approve e.) The granting of the variance will not unreasonably adversely affect the natural environment.

RESULT	PASSED [UNANIMOUS]
MOVER	Brad Fogg
SECONDER	Georgia Woodbury
AYES	Brad Fogg, Georgia Woodbury, Derek Shirley

Motion to approve f.) The property is not located in whole or in part within shoreland areas as described in Title 38. section 435.

RESULT	PASSED [UNANIMOUS]
MOVER	Brad Fogg
SECONDER	Derek Shirley
AYES	Brad Fogg, Georgia Woodbury, Derek Shirley

Motion to approve

To grant Sarah Wyman the practical difficulty variance for a 30-foot reduction of a 50-foot front line setback to an existing 8-foot by 10-foot shed located on her property at 104 Johnson Road, Gray Maine Tax Map 17, lot 3-13-3, located in a Lake Zoning

District. With the stipulation that this shed at 104 Johnson Road, be brought into compliance with the current Town of Gray Zoning standards by March 22, 2024.

RESULT	PASSED [UNANIMOUS]
MOVER	Brad Fogg
SECONDER	Georgia Woodbury
AYES	Brad Fogg, Georgia Woodbury, Derek Shirley

III.b) Goetz Variance:

Debi and Andreas Goetz have filed an administrative appeal regarding a proposed five-bedroom short term lodging facility. The definition of a bed and breakfast in Section 402.2.2 establishes a three-bedroom maximum and the definition of a hotel/motel allows for five or more rooms but is not permitted on their property per chapter 402 of the Gray Town Ordinance for their lot located at 14 Yarmouth Road, Gray Tax Map 43, lot 405-30, located in a Village Center Proper Zoning District.

Department: Zoning Board of Appeals

Motion to table to April meeting, applicants did not show up for meeting.

RESULT	PASSED [UNANIMOUS]
MOVER	Brad Fogg
SECONDER	Georgia Woodbury
AYES	Brad Fogg, Georgia Woodbury, Derek Shirley

III.c) EAC, LLC Variance:

Neokraft Signs on behalf of EAC, LLC is requesting a waiver appeal of the standards established in the sign ordinance to install an additional free-standing sign located on their property at 21 Portland Road, Gray Tax Map 043- Lot 404-171-000, in a Village Center Zoning District.

Department: Zoning Board of Appeals

Motion to approve a.) The need for the variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.

RESULT	PASSED [UNANIMOUS]
MOVER	Georgia Woodbury
SECONDER	Brad Fogg
AYES	Brad Fogg, Georgia Woodbury, Derek Shirley

Motion to approve b.) The granting of the variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use of market value of abutting properties.

RESULT	PASSED [UNANIMOUS]
MOVER	Georgia Woodbury
SECONDER	Derek Shirley
AYES	Brad Fogg, Georgia Woodbury, Derek Shirley

Motion to approve c.) The practical difficulty is not the action taken by the petitioner or prior owner.

RESULT	PASSED [UNANIMOUS]
MOVER	Georgia Woodbury
SECONDER	Derek Shirley
AYES	Brad Fogg, Georgia Woodbury, Derek Shirley

Motion to approve d.) NO feasible alternative to a variance is available to the petitioner.

RESULT	PASSED [UNANIMOUS]
MOVER	Georgia Woodbury
SECONDER	Derek Shirley
AYES	Brad Fogg, Georgia Woodbury, Derek Shirley

Motion to approve e.) The granting of the variance will not unreasonably adversely affect the natural environment.

RESULT	PASSED [UNANIMOUS]
MOVER	Brad Fogg
SECONDER	Derek Shirley
AYES	Brad Fogg, Georgia Woodbury, Derek Shirley

Motion to approve F.) The property is not located in whole or in part within shoreland areas as described in Title 38. section 435.

RESULT	PASSED [UNANIMOUS]
MOVER	Brad Fogg
SECONDER	Georgia Woodbury
AYES	Brad Fogg, Georgia Woodbury, Derek Shirley

Motion to approve

Neokraft Signs, on behalf of EAC, LLC is granted a variance appeal from the standards established in the Town of Gray Sign Ordinance (406) to install two free-standing signs one at each entrance, located on their property at 21 Portland Road, Gray Tax Map 043-Lot 404-171-000, in a Village Center Zoning District. The variance includes internal illumination of both signs. The sign at the south end of the plaza is permitted to have electronic messaging as stipulated on the attached exhibit A.

RESULT	PASSED [UNANIMOUS]
MOVER	Brad Fogg
SECONDER	Georgia Woodbury
AYES	Brad Fogg, Georgia Woodbury, Derek Shirley

IV) ADJOURNMENT AT 8:16PM



**APPLICATION FOR ADMINISTRATIVE APPEAL
ZONING BOARD OF APPEALS
TOWN OF GRAY MAINE**

For Office Use Only
 Date Submitted: 1/24/22
 Date Paid/Initials: [Signature]
 Amount Paid: \$300

CONTACT INFORMATION

Name	Debi Goetz	E-Mail Address	debigoetz84@gmail.com
Street Address	14 Yarmouth Road	City/State/Zip	04039
Phone Number	207 -894-4819	Work Phone	
Name of owner on property which is subject to appeal:		Debi & Andy Goetz	

APPEAL

Please describe in detail the facts surrounding this appeal, what you think is wrong about the decision which you are appealing, and what actions you want the board of appeals to take in this matter. If additional space is needed, please continue on a separate sheet of paper and attach it to this application.

We are the new owners of 14 Yarmouth Rd in Gray. We have plans to renovate the property into a Bed & Breakfast. We clarified the properties potential before purchase. However, upon researching permits and planning our renovation, we were told that the property may not have more than 3 bedrooms offered for lodging. Additionally, that we need to be full time residents on the property to run a B&B. The property has 4 existing bedrooms with the potential of 5. Our hopes would be to offer 5 bedrooms for lodging and to create 2 full- time work positions. The property will also be our office location for our landscaping company. We live on our farm in Raymond and are lucky enough to be here from Switzerland. We are here on E2 visas and one of the conditions of our investment visa is to provide 2 full- time positions for American citizens. Our landscaping company does not offer enough work for those positions, therefore, we purchased the property in hopes to create more jobs. I have extensive background in hospitality, having worked as a manager for a restaurant chain in Canada and I feel like we are well prepared for this adventure. We are more than ready to follow all code, health and safety guidelines to equip the property. We would happily share our plans with the town and work together with the fire marshal, food inspector, health and safety officers, etc. We were advised by Tammy Monson to make an appeal in order to clarify what our options are. Through her research, she was unable to clarify if we are allowed to operate with 5 rooms or less. The text described 3 rooms or less, or 5 rooms and more, that would classify as a hotel. We would definitely like to move forward as a bed & breakfast and are prepared to work together to outline what is allowed. Thank you for taking the time to read our wishes and we look forward to clarifying the situation and working together!

Kindly, Debi Goetz / Goetz LLC

CERTIFICATION

I certify that the information contained in this application is true to the best of my knowledge and belief.

Applicant Signature		Date	Jan. 21. 2023
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TOWN OF GRAY

Henry Pennell Municipal Complex
24 Main St, Gray Maine 04039
www.graymaine.org

CODE ENFORCEMENT OFFICE

Tammy Munson, Lead Code Enforcement Officer
ceo@graymaine.org

MEMORANDUM

Date: 02.16.2023

To: Members of the Board of Appeals

From: Tammy Munson, Lead Code Enforcement Officer

Re: Board of Appeals meeting February 22, 2023
19 Yarmouth Road, Administrative Appeal

The applicant is asking for an Administrative Appeal regarding the interpretation of the definitions of Bed and Breakfast and Hotels and Motels located in a Village Center Proper.

The definition of Bed and Breakfast is:

Bed & Breakfast: A single family dwelling in which lodging and meals are offered to the general public for compensation, offering no more than three bedrooms for lodging purposes.

Hotels/Motels: A building or group of buildings designed for overnight accommodations for travelers and transients in rental guest rooms with or without cooking facilities but most accommodations having their own bathrooms. This definition includes Bed and Breakfasts with more than five (5) rooms, tourist courts, motor courts and motor lodges, but excludes lodging houses, boarding houses, rooming houses and dormitories.

402.7.16 Bed and Breakfast Establishments

A. The only meal served in a bed and breakfast shall be breakfast and food service shall be limited to overnight guests.

B. A bed and breakfast with three (3) guest rooms or less shall be considered a home occupation accessory to principal use of the dwelling and shall be allowed under the standards applicable to home occupations.

C. The average occupancy is not to exceed three (3) persons per guest room per night.

D. A structure shall not be used or occupied as a bed and breakfast establishment until all necessary State approvals have been received and a certificate of use and occupancy has been issued by the local Code Enforcement Officer

The definition of Bed and Breakfast states that it should be considered a "home occupation". The applicable section to this appeal from the Home Occupation regulations is the following:

402.7.2 Home Occupations

C. Home Occupation Requirements:

3. The home occupation shall be carried on by a member or members of the family residing in the dwelling unit. One employee, who is not part of the family residing in the dwelling unit, shall be permitted.

The following items are a list of issues they are looking for the Board to consider:

- The applicant is seeking to have a 5-room bed and breakfast and office for a separate landscaping business and does not want to live on site.
- The applicant is not planning on living in the house but may have staff on site 24 hours per day. The Home Occupation regulations require that you live on site.
- The ordinance does not include 4 rooms in either definition. It references 3 rooms and 5 rooms.
- The Board should verify adequate parking prior to making a decision.
- The applicant is also seeking an office for a separate "office" for a business on the property. Per the space and bulk requirements for a Village Center Proper, (10,000 sf per use), this lot contains approximately 39,600sf of lot so there is enough land to support 2 uses on this property.

Ainsworth, Thelin & Raftice, P.A.

Counselors and Attorneys at Law
Seven Ocean Street
South Portland, Maine 04106-2824

Robert M. Raftice, Jr.
Jerome J. Gamache
Michael F. Vaillancourt
John A. Turcotte
Jacob F. Bowie

Christopher P. Leddy
Eleanor L. Dominguez
Gian M. Wason



Michael F. Vaillancourt, Esq.
mvaillancourt@atrlaw.pro
Direct phone: 207-699-4814

Telephone: (207) 767-4824
Telefax: (207) 767-4829

Mailing Address:
P O Box 2412
So. Portland, ME 04116-2412

March 28, 2023

Albert G. Ayre, *Retired*
Thomas G. Ainsworth, *Retired*

Town of Gray, Maine
ATTN: Pamela Edson
Henry Pennell Municipal Complex
24 Main Street
Gray, Maine 04039

RE: 309 Portland Road Administrative Appeal
Our File No. 230133

To the Town of Gray Zoning Board of Appeals:

I write in my capacity as attorney and representative for Randall Whitney and Jamie MacKinnon, who own the property situated at 309 Portland Road in Gray, Tax Map/Lot 069-041-029-001 (the "Property"). The Property's deed, recorded with the Cumberland County Registry of Deeds, Book 37570, Page 288, is enclosed and demonstrates Mr. Whitney's and Ms. MacKinnon's ownership of, and right, title and interest to, the Property.

On February 27, 2023, the Town of Gray issued a Notice of Violation (the "Notice"), contending that Mr. Whitney and Ms. MacKinnon are engaging in "Construction Services", as that term is defined within Gray's Code of Ordinance: "Construction Services" is not a permitted use within Gray's Medium Density District, in which District the Property is located. My clients bring this administrative appeal on the basis that they are not in fact engaging in "Construction Services" at the Property, and therefore, their current and historic use of the Property is permissible.

Enclosed, please find:

- 1.) Application Fee of \$500;
- 2.) Application for Administrative Appeal;
- 3.) Permission to Represent Property Owner;
- 4.) Property Deed (Exhibit 1);
- 5.) Town of Gray February 27, 2023, Notice of Violation (Exhibit 2);
- 6.) Property Sketch Plan (Exhibit 3)¹;

¹ The Property Plan and Land Sketch Plan are enclosed, given the Town's general requirement, although this Administrative Appeal does not involve any property or building space, bulk or dimensional requirements.

- 7.) Property Plan of Land (Exhibit 4);
- 8.) Building photos (Exhibits 5–6).

Mr. Whitney, Ms. MacKinnon and their family reside at the Property. They have also constructed two barns/storage buildings on the Property (the “Accessory Structures”). Mr. Whitney operates a small, family-owned concrete business, and in that capacity, works throughout Maine installing concrete foundations. Photos of the two buildings are enclosed as Exhibits 5 and 6.²

The primary purpose of the Accessory Structures is storage of personal belongings and equipment. Mr. Whitney and Ms. MacKinnon have sporting equipment, snowmobiles, personal tools, snowmobile trailers and other such personal items stored within the Accessory Structures. Admittedly, Mr. Whitney also stores some limited business-related belongings within the Accessory Structures, such as concrete forms. And, Mr. Whitney’s commercial vehicles are frequently parked on site.

The Applicants are not Engaged in “Construction Services” at the Property.

The Gray Zoning Ordinance defines “Construction Services” as: “Uses such as plumbing, painting, building, well drilling, carpentry or electrical installation and excavating.” *Chapter 402, Gray Zoning Ordinance*. Simply put, Mr. Whitney and Ms. MacKinnon do not engage in any of these “uses” on the Property: There is absolutely no plumbing, painting, building, well drilling, carpentry or electrical installation and excavating occurring on site. All of Mr. Whitney’s business-related work occurs at job sites throughout the state. If Mr. Whitney were engaged in a framing or painting business, where those uses occurred on site, then those uses would violate the relevant Ordinance provision. That is simply not the situation with the actual use of the Property: Construing and interpreting this portion of the Ordinance in such a manner is inconsistent with the plain language and intent of the Ordinance.

The Applicants’ Property Use Constitutes an “Accessory Use or Structure”.

Gray’s Zoning Ordinance defines “Accessory Use or Structure” as: “A use or structure which is customarily and in fact both incidental and subordinate to the principal use or structure. The term “incidental” in reference to the principal use or uses, when aggregated, shall not subordinate the principal use of the lot...” *Chapter 402, Gray Zoning Ordinance*.

Mr. Whitney’s business’ limited use of the Property is subordinate to its “principal use as a residential property in two ways. First, the Property is primarily a residence for Mr. Whitney, Ms. MacKinnon and their children. Their day-in and day-out use of the Property is primarily residential and personal in nature: This is an eleven acre property and residence that sees more

² The Town’s Notice of Violation included photos of a business truck, and a number of concrete forms. Those photos were taken at a time when one of the Accessory Structures was under construction; it was an active construction site, which of course at that time impacted Mr. Whitney’s ability to store business-related materials in an orderly, neat, conventional fashion.

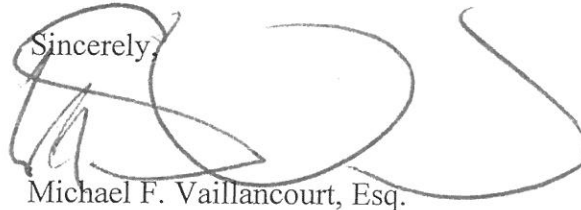
pick-up baseball games and children's birthday parties than activities related to Mr. Whitney's business. Second, Mr. Whitney's business use of the actual Accessory Structures is also "incidental and subordinate" to the residential use of the Property: Mr. Whitney, Ms. MacKinnon and their children primarily use those buildings for sporting gear and recreational storage and related uses (for example, their son spends a substantial amount of time practicing his golf game during the cold/snowy months in one of the Accessory Structures).

The Town's conclusion that this use constitutes "Construction Services" amounts to an overly broad, overreaching interpretation of the Ordinance's plain language: By virtue of this strained definition, residential property owners who may park a commercial vehicle or two on their property, or sometimes store some lumber or other supplies on a small portion of that same property, could be deemed to be engaged in "Construction Services."

Mr. Whitney's minimal business use of the Accessory Structures for business purposes is not at all out of character with the surrounding area. There are in fact two businesses located across the street from the Property with more significant traffic and activity than is generated by Mr. Whitney; the neighboring businesses have no problematic impact on the neighborhood, community, nor Mr. Whitney, Ms. MacKinnon and their family. Similarly, Mr. Whitney's limited business activities do not negatively impact the property, neighbors or community.

In conclusion, we respectfully request that the Zoning Board of Appeals grant Mr. Whitney's appeal so that their lawful uses to which they have put their Property may continue.

Thank you for your attention to this matter.

Sincerely,

Michael F. Vaillancourt, Esq.

MFV/mb
Enclosure
cc w/enc: Client



**APPLICATION FOR ADMINISTRATIVE APPEAL
ZONING BOARD OF APPEALS
TOWN OF GRAY MAINE**

For Office Use Only
Date Submitted: _____
Date Paid/Initials: _____
Amount Paid: _____

CONTACT INFORMATION

Name	Michael F. Vaillancourt	E-Mail Address	mvaillancourt@atrlaw.pro
Street Address	7 Ocean Street, Suite 300	City/State/Zip	South Portland, ME 04106
Phone Number	207-767-4824	Work Phone	207-767-4824
Name of owner on property which is subject to appeal:		Randall Whitney, Jamie MacKinnon	

APPEAL

Please describe in detail the facts surrounding this appeal, what you think is wrong about the decision which you are appealing, and what actions you want the board of appeals to take in this matter. If additional space is needed, please continue on a separate sheet of paper and attach it to this application.

Randall Whitney and Jamie MacKinnon own the property situated at 309 Portland Road in Gray, Tax Map/Lot 069-041-029-001 (the "Property"). On February 27, 2023, the Town of Gray issued a Notice of Violation, contending that Mr. Whitney and Ms. MacKinnon are engaging in "Construction Services", as that term is defined within Gray's Code of Ordinance: "Construction Services" is not a permitted use within Gray's Medium Density District, which is where the Property is located.

The property owners bring this appeal on the basis that they are not in fact engaging in "Construction Services" at the Property.

Please refer to the enclosed correspondence and documentation.

CERTIFICATION

I certify that the information contained in this application is true to the best of my knowledge and belief.

Applicant Signature		Date	3/28/23
---------------------	--	------	---------

*MICHAEL F. VAILLANCOURT
ATTORNEY FOR APPLICANT*

PERMISSION TO REPRESENT PROPERTY OWNER

PROPERTY & OWNER INFO			
Property Location/Address	309 Portland Road	Property Map/Lot	069 . 041 . 029 . 001
Zoning District	Medium Density District	Lot Acreage	11.8
Number of Dwelling Units	1	Deed Reference	Book 37570, Page 288
Owner Name	Randall Whitney	Owner Phone Number	207-212-1728

I Randall Whitney, residing at 309 Portland Road, Gray, Maine
 _____, am the deeded owner of the above referenced property.


I authorize Michael F. Vaillancourt, Esq. and his firm to represent me & the above referenced property regarding application for administrative appeal

Authorization extended to: (Check all that apply)

- Submit application for the Zoning Board of Appeals
- Present case at the scheduled Zoning Board of Appeals / Planning Board Meeting
- Other (please describe) _____

REPRESENTATIVE INFO			
Name of Individual	Michael F. Vaillancourt, Esq.	Email Address	mvaillancourt@atrlaw.pro
Company Name (if applicable)	Ainsworth, Thelin & Raftice	Primary Phone Number	207-767-4824
Mailing Address	P.O. Box 2412	Alternate Phone Number	207-712-1435
Mailing City/State/Zip	South Portland, ME 04116	Other?	

Randall Whitney Printed Name

 Signature

March 28, 2023
Date

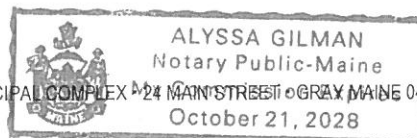
STATE OF MAINE

CUMBERLAND COUNTY, SS.

March 28, 2023

The foregoing Permission to Represent Property Owner was signed before me by Randall Whitney.


Notary Public



DLN: 1002040124844

WARRANTY DEED
Maine Statutory Short Form

MAINE REAL ESTATE TAX-Paid

KNOW ALL BY THESE PRESENTS, that **Randy Concrete, Inc.**, a Maine business corporation, with a principal place of business in Gray, Maine **GRANTS** to **Randall Whitney** and **Jamie MacKinnon**, whose mailing address is P.O. Box 1150, Gray, Maine 04039 with **WARRANTY COVENANTS**, as **joint tenants**, all of the Grantor's interest in real property adjacent to Portland Road and identified in the Tax Assessor's Tax Maps for the Town of Gray, Maine as Map 69, Block 41, Lot 29, Sub-Lot 2, located in the Town of Gray, County of Cumberland, and State of Maine, described as follows:

SEE SCHEDULE A ATTACHED HERETO AND MADE A PART HEREOF.

Meaning and intending to convey and hereby conveying the same premises described in a Warranty Deed from Tyler Karu Ready to Randy Concrete, Inc., dated February 28, 2019 and recorded in the Cumberland County Registry of Deeds in Book 35488, Page 163.

WITNESS my hand and seal this 20 day of August, 2020.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

Mary L Murphy
WITNESS Mary L Murphy

Randy Concrete, Inc.

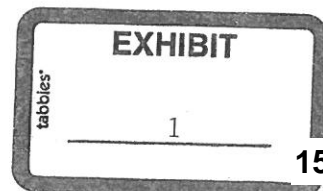
Randall Whitney
By: Randall Whitney,
Its: President

State of Maine
County of Cumberland, ss.

August 20, 2020

Then personally appeared the above named Randall Whitney, President of Randy Concrete, Inc., and acknowledged the foregoing instrument to be his free act and deed in his stated capacity, and the free act and deed of the said Randy Concrete, Inc., before me,

Jacob F. Bowie
Jacob F. Bowie, Attorney-At-Law
Maine Bar No. 5627



SCHEDULE A

A certain parcel of land situated on the easterly side of Portland Road, also known as Route 100, in the Town of Gray, County of Cumberland, state of Maine being bounded and described as follows:

Commencing on the easterly sideline of Portland Road at land now or formerly of John D. Phinney as described in a deed recorded in Book 2868 Page 79 in the Cumberland County Registry of Deeds (CCRD);

Thence S 00° 11' 22" W, by and along the easterly sideline of Portland Road, a distance of 238.38 feet to the Point of Beginning;

Thence N 71 ° 21' 01" E a distance of 293.27 feet to a stone wall and land of John D. Phinney;

Thence S 56° 24' 02" E, by and along land of John D. Phinney and following along a stone wall, a distance of 360.16 feet;

Thence S 85° 36' 11" W a distance of 580.07 feet to the easterly sideline of Portland Road;

Thence N 00° 11' 22" E, by and along the easterly sideline of Portland Road, a distance of 150.00 feet to the Point of Beginning.

The parcel contains approximately 85,123 square feet.

Bearings are Grid North.

Reference is made to a plan entitled "Boundary Survey 297 Portland Road, Gray, Maine for: Matt Dibiase" dated July 2018 by Survey Inc.



TOWN OF GRAY

Henry Pennell Municipal Complex
24 Main St, Gray Maine 04039
www.graymaine.org

CODE ENFORCEMENT OFFICE
Tammy Munson, Lead Code Enforcement Officer
ceo@graymaine.org

02.27.2023

RANDALL WHITNEY
JAMIE MACKINNON
309 PORTLAND ROAD
GRAY, ME 04039

RE: 309 PORTLAND ROAD

TAX MAP/LOT: 069-041-029-001

CERTIFIED RECEIPT # 7190 1886 9780 0423 4854

SECOND NOTICE OF VIOLATION

DEAR RANDALL WHITNEY:

An inspection was performed, and it was noted that unpermitted business is being conducted at the above referenced location. Randy Concrete Company operates a concrete and contracting business on site without the benefits of permits. There are several large commercial vehicles, concrete forms and various construction equipment being stored on the property and in large accessory buildings that you stated were intended for recreational vehicles and personal use.

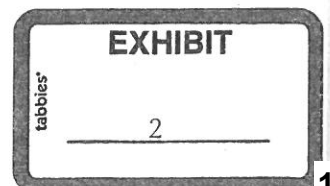
The Town of Gray's Zoning Ordinance defines Construction Services as follows:

Construction Services: Uses such as plumbing, painting, building, well drilling, carpentry or electrical installation and excavating.

The above referenced location is located in the Medium Density district. Per the Town of Gray's Table 402.5.3 Permitted Uses and Conditional Permitted Uses, construction services is strictly prohibited in the Medium Density District.

Section 402.5.2 Legal Rights and Responsibilities to Uses of Land and Property Section C of the Town of Gray's Zoning Ordinance states:

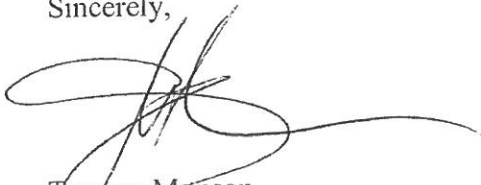
Prohibited Uses include any use not specifically listed as a Permitted Use or a Conditional Permitted Use. All unlisted land uses are prohibited on all lots and property in Gray unless specifically provided for by State law and regulated by the State (e.g., forestry).



The business operation must CEASE and DESIST immediately. All equipment, product, and anything else associated with this business must be removed from the property within 30 days of the date of this letter.

This constitutes an appealable decision per section 402.9.2. within 30 days from the date of this letter. If I can be of further assistance, please contact me at 207-657-3112.

Sincerely,



Tammy Munson
Code Enforcement Officer





← TEAR FROM BOTTOM UP →

1. Article Addressed to:

WHITNEY, RANDALL
MACKINNON, JAMTE
PO BOX 1150
GRAY ME 04039

9290 9901 8869 7804 2348 51



2. Article Number (Transfer from service label)

7190 1886 9780 0423 4854

PS Form 3811, (facsimile) July, 2015

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

B. Received by (Printed Name)

Agent
 Addressee

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail (over \$500)
- Insured Mail Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt

CERTIFIED MAIL



7190 1886 9780 0423 4854

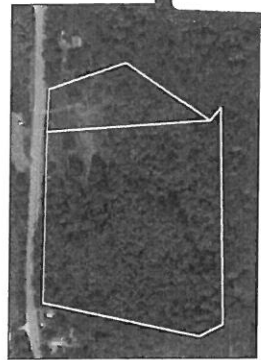
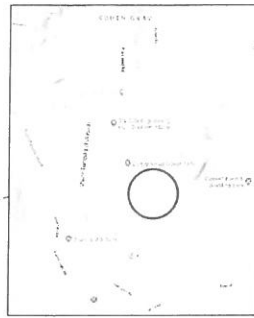
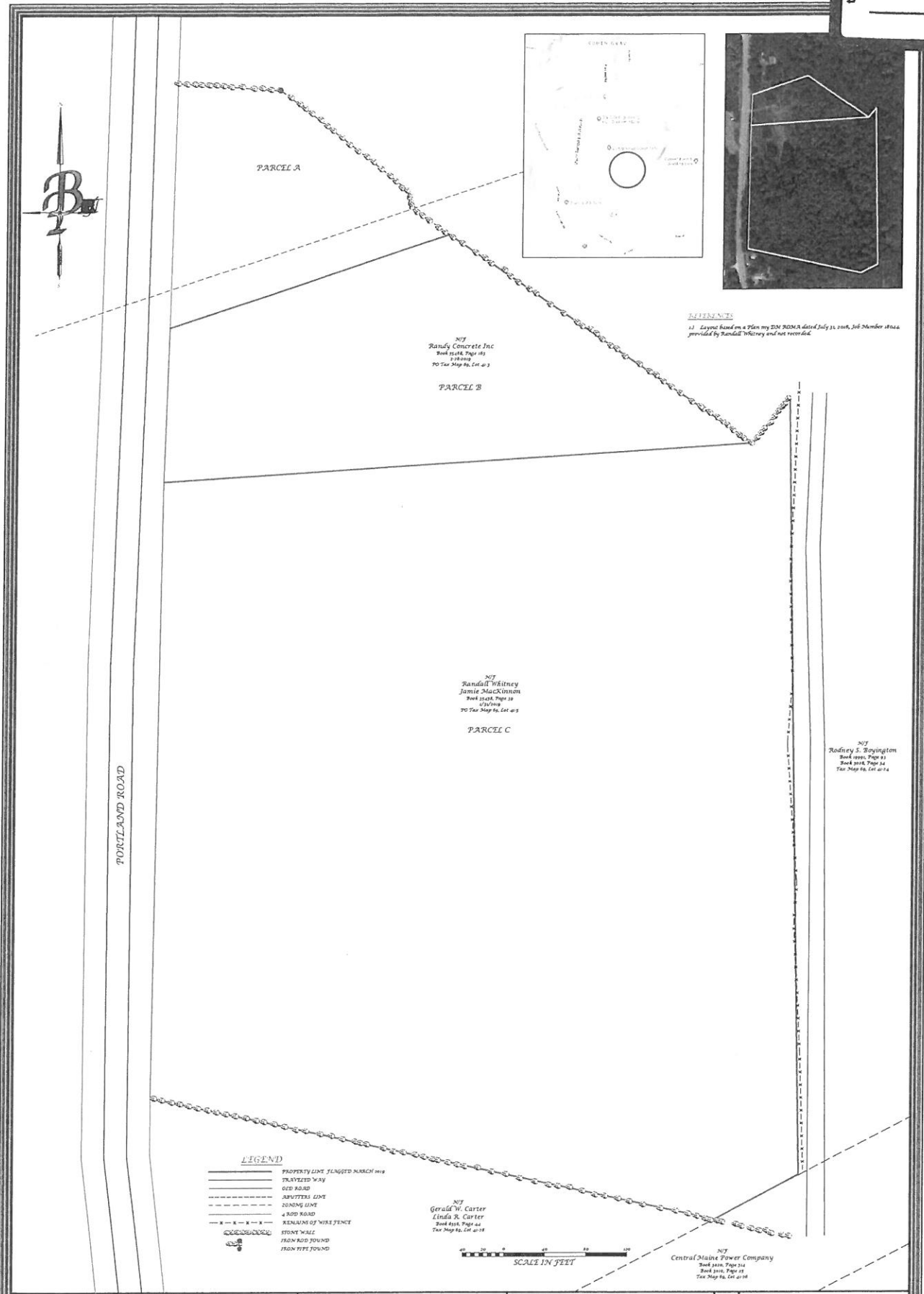
← TEAR FROM BOTTOM UP →

← FOLD BACK TO REMOVE CARD →

TOWN OF GRAY
24 MAIN STREET
GRAY ME 04039-9407

WHITNEY, RANDALL
MACKINNON, JAMTE
PO BOX 1150
GRAY ME 04039
B37570P288 B35488P163 B35438P39 4877
MapLot: 069-041-029-001

tabbles



NOTES
 1. Layout based on a Plan my DIM 2020.A dated July 31, 2008, Job Number 18222, provided by Randall Whitney and not recorded.

NOT
 Randy Concrete Inc
 Book 1144, Page 13
 1/10/19
 PO Tax Map No. Lot 413

PARCEL B

NOT
 Randall Whitney
 Jamie MacKintosh
 Book 2148, Page 18
 6/24/19
 PO Tax Map No. Lot 413

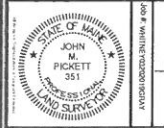
PARCEL C

NOT
 Rodney S. Worthington
 Book 1991, Page 11
 Book 1918, Page 14
 Tax Map No. Lot 414

NOT
 Gerald W. Carter
 Linda R. Carter
 Book 616, Page 22
 Tax Map No. Lot 413

NOT
 Central Maine Power Company
 Book 1606, Page 114
 Book 1605, Page 11
 Tax Map No. Lot 413

- LEGEND**
- PROPERTY LINE (LONGEST MARCH 1818)
 - TRAVELLED WAY
 - OLD ROAD
 - SETBACKS LINE
 - ZONING LINE
 - 4 FOOT ROAD
 - BOUNDARY OF WIRE FENCE
 - STONE WALL
 - FRON ROAD FOUND
 - FRON TYP FOUND



PLAN PREPARED BY:
Boynnton & Pickett L.L.C.
 PROFESSIONAL LAND SURVEYOR
 721 East River Road, Scarborough, Maine 04076
 Phone: (207) 474-0016
 Email: wh@boynnton.com
 www.BoynntonPickett.com

RECORD OWNER:
 Randall Whitney
 ADDRESS:
 P.O. Box 1150
 Gray, Maine 04039

SHEET TITLE:
 Sketch Plan
 SITE LOCATION:
 Portland Road
 Gray, Maine 04039
 SCALE: 1" = 40' DATE: March 20, 2019

STATE OF MAINE
 Conferred in Registry of Deeds
 Received _____ 20____
 at _____, Maine, and Recorded
 in Plan File _____ Page _____
 Attest: _____
 Register

Subject Property

JONAS G. PARENT
PL. 8/27/14 PL. 20

JONAS G. PARENT
PL. 8/27/14 PL. 20

PARCEL A
40,813 SF

PARCEL B
85,123 SF

PARCEL C
420,433 SF

PORTLAND ROAD

R. J. ROBERTSON
PL. 8/20/14 PL. 24

RONALD W. GUNTER
PL. 8/30/14 PL. 28

GENERAL BUILDING COMPANY
PL. 8/27/14 PL. 22



PLAN OF LAND
297 PORTLAND ROAD
GRAY, ME

18044
JOB NUMBER

1" = 50'
SCALE

7-31-2018
DATE

S-1
SHEET 1 OF 1

REV	DATE	BY	DESCRIPTION

DM ROMA
CONSULTING ENGINEERS
P.O. BOX 1116
WINDHAM, ME 04062
(207) 310-0506

tabbics®

EXHIBIT

4

22







TOWN OF GRAY

Henry Pennell Municipal Complex
24 Main St, Gray Maine 04039
www.graymaine.org

CODE ENFORCEMENT OFFICE

Tammy Munson, Lead Code Enforcement Officer
ceo@graymaine.org

MEMORANDUM

Date: 04.12.2023

To: Members of the Board of Appeals

From: Tammy Munson, Lead Code Enforcement Officer

Re: Board of Appeals meeting April 26, 2023
309 Portland Road, Administrative Appeal

The applicant is asking for an Administrative Appeal regarding the interpretation of the definition of Construction Services located in a Medium Density District.

The definition of Construction Services is the following:

Uses such as plumbing, painting, building, well drilling, carpentry or electrical installation and excavating.

The purpose of the Medium Density District is as follows:

This district is located in areas outside of the village center which are currently serviced by public water, with the exception of the area on Route 100 from Whitney Road, south to the Cumberland Town Line. Most of these areas are presently developed for predominantly residential uses. It is the intent of this district to recognize present relationships between land use and natural features by preserving the predominant residential character while allowing a somewhat denser development to occur than in other areas of the Town.

Construction services is not allowed in the Medium Density District. Construction Services means all labor and services provided in connection with the construction, alteration, repair, demolition, reconstruction, or other improvements to property. The applicant is running a concrete business out of this location which is clearly prohibited under the Town of Gray's Zoning Ordinance.

The applicant is operating a concrete business out of two large accessory structures located on the property. Several commercial vehicles and form trailers are often seen on the property. The applicant took out two building permits for very large accessory buildings over the past three

years. He stated on both permits that these are for personal use only and they were conditioned as such. Two notices of violation have gone out to this owner dated January 19, 2023 and February 27, 2023. I have attached those notices and building permit applications for your review.

The following is a list of vehicles and trailers registered at the property and pictures of what those vehicles look like:

- 2 - Peterbilt Commercial Trucks:



**For illustrative purposes only*

- 1 - Ford 550 Super Duty



**For illustrative purposes only*

- 1 - Ford 550



**For illustrative purposes only*

- 1 – Rice Flatbed Trailer



**For illustrative purposes only*

- 2 – Chevy Silverado's



**For illustrative purposes only*

The applicant/owner of this property also has a Department of Transportation number registered with the State of Maine clearly indicating he is running a commercial operation in a location that it is prohibited. RANDY CONCRETE INC is registered to USDOT Number: 2030316 located at 309 Portland Rd.

The requirement to obtain a USDOT number is governed, and administered by the Federal Motor Carrier Safety Administration, (FMCSA) and adopted by the State of Maine. All motor carriers operating commercial motor vehicles in commerce must, unless exempted, obtain a U. S. Department of Transportation (USDOT) number.

I have attached copies of the building permits, copies of the Notices of Violations, a listing of all current registrations in the owner's name and his business name, a copy of Table 402.5.3 the Table of Permitted Uses and Conditional Permitted Uses, a copy of Randy Concrete's DOT registration, and a copy of the Town of Gray zoning Map for your review.



**RESIDENTIAL BUILDING PERMIT
APPLICATION - TOWN OF GRAY MAINE**

Permit No: 20-12
Date Submitted: 2/20/20
Date Paid: 4/19/20

**PERMIT EXPIRES ONE YEAR FROM ISSUANCE DATE, RENEWABLE ONE TIME
PERMIT FEES ARE \$100 OR DOUBLED (WHICHEVER IS HIGHER) IF WORK BEGAN PRIOR TO**

PROPERTY

Property Location/Address	Portland road	Property Map/Lot	69 . 4 / . 3		
Zoning District	Medium density	Lot Acreage	2 Acres / 85,123 ^{sq}		
Number of Dwelling Units	1	Required Setbacks	Front	Rear	Side
Owner Name	Randy Concrete Inc	DIG SAFE # (CALL 811)			

APPLICANT

Name (IF different than owner)	RANDALL Whitney	Email Address	randy.concrete@grayme.com
Mailing Address	PO Box 1150	Contact Phone Number	207-212-1728
Mailing City/State/Zip	Gray, ME 04039	Alternate Phone Number	
Contractor Name	LETAITE Bros	Contractor Phone Number	207-229-7455

PROJECT

Approximate Project Dimensions	40' x 60' = 2400 ^{sq}	Estimated Construction Cost	\$ 65,000 (Required)
Project Description	<input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Renovation <input type="checkbox"/> Tear Down/Reconstruct <input type="checkbox"/> Addition <input type="checkbox"/> Demo		
Structure Type	<input type="checkbox"/> Home <input checked="" type="checkbox"/> Garage <input type="checkbox"/> Deck <input type="checkbox"/> Shed <input type="checkbox"/> Other (explain below)		

Project Description / Comments:

STORAGE GARAGE For Personal use

A COMPLETE APPLICATION REQUIRES

- Plot Plan/Survey
 Construction Documents
 Septic Design (3 Copies)

** FINAL OCCUPANCY INSPECTION IS REQUIRED FOR YOUR SAFETY **
I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE

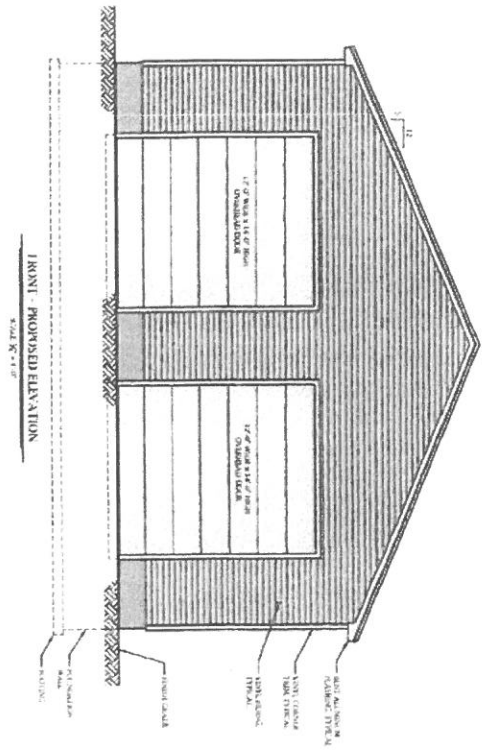
Applicant Signature Randy Whitney **Date** _____

FOR CODE ENFORCEMENT OFFICE USE ONLY

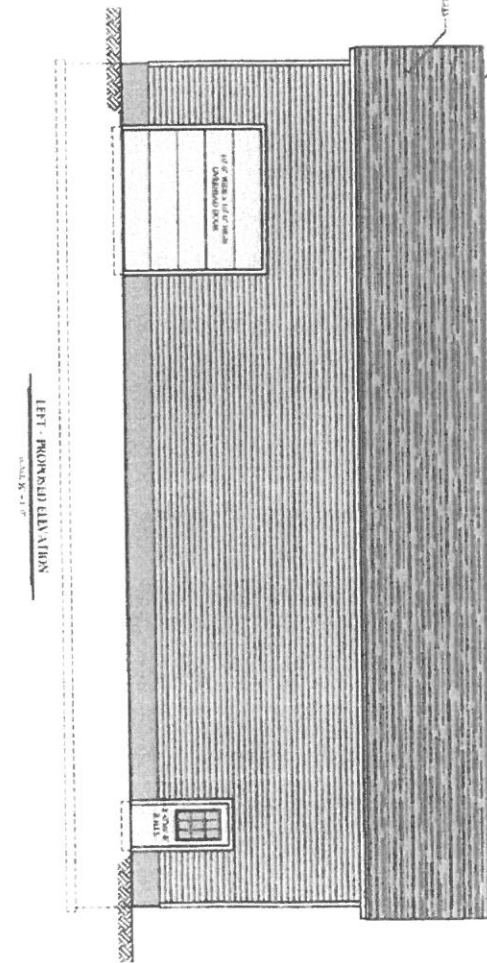
Inspection Record				#	Price	
Inspector	Date	Pass/Fail				
			Administration Fee	1	x \$25.00	= \$ 25.
			Foundation / Unfinished (per sq ft)	2400	x \$0.30	= \$ 720.
			Finished Floor (per sq ft)	2400	x \$0.35	= \$ 840.
Septic 1			Certificate of Occupancy	1	x \$50.00	= \$ _____
Septic 2			Heating System	_____	x \$50.00	= \$ _____
Foundation			New Dwelling Unit (per each)	_____	x \$400.00	= \$ _____
Rough In			Permit renewal (one time only)	_____	x \$100.00	= \$ _____
Energy			Total Building Permit Fee			\$ 1585 -
Final Occupancy			Separate Permits which may be applicable:			
Other _____			Septic System (\$290)	_____	x _____	= \$ _____
Other _____			Driveway/entrance	_____	x \$100.00	= \$ _____
			Electrical (\$50 min)	_____	x _____	= \$ _____
			Interior Plumbing (\$65 min)	_____	x _____	= \$ _____
			Demo	_____	x \$100.00	= \$ _____
			Total			\$ 1585 -

CODE ENFORCEMENT OFFICER APPROVAL

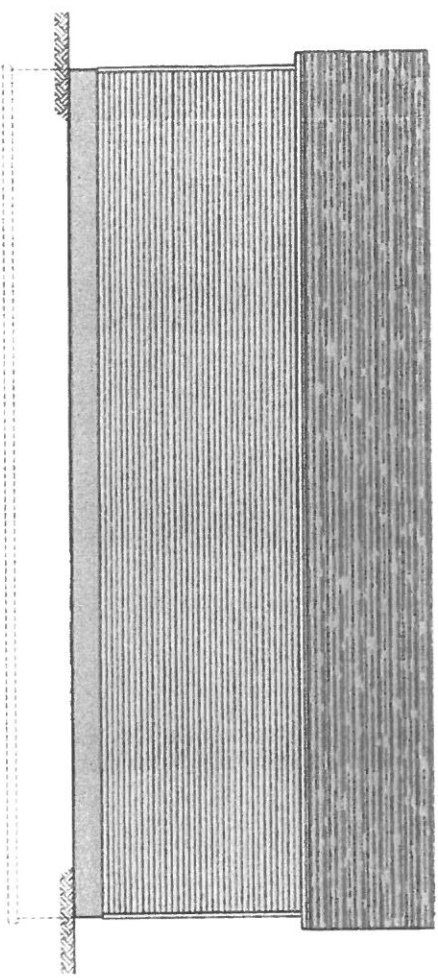
Signature of CEO [Signature] **Date** 3/3/2020 **Conditions (if any)**
 Personal use only site plan Required to run business out of this site.



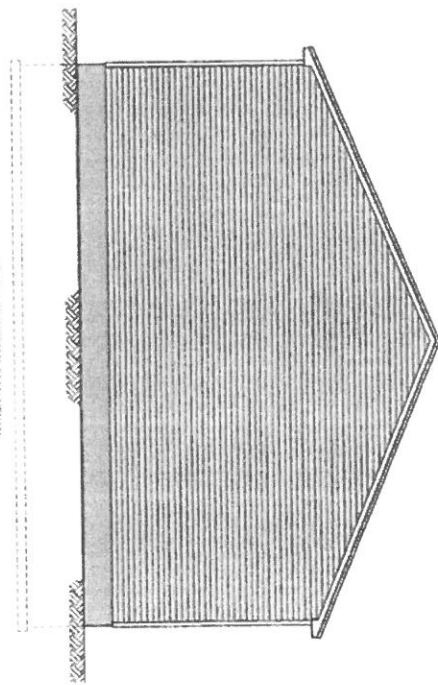
FRONT - PROPOSED ELEVATION
SCALE: 1/4" = 1'-0"



LEFT - PROPOSED ELEVATION
SCALE: 1/4" = 1'-0"

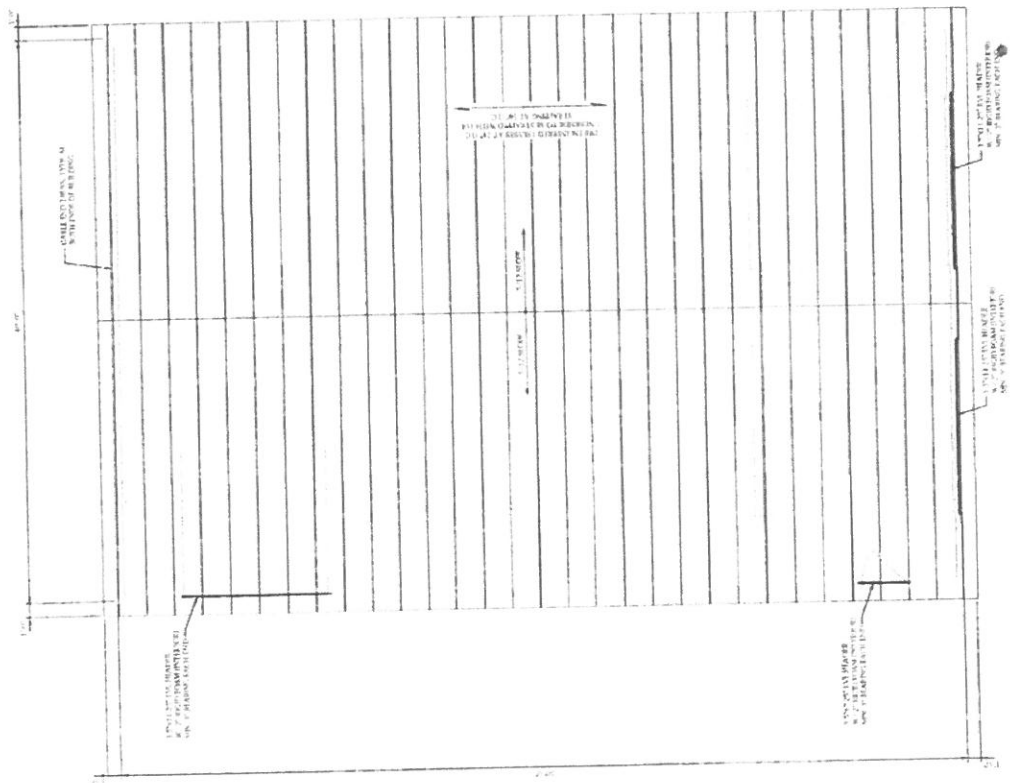


RIGHT - PROPOSED ELEVATION
SCALE: 1/4" = 1'-0"

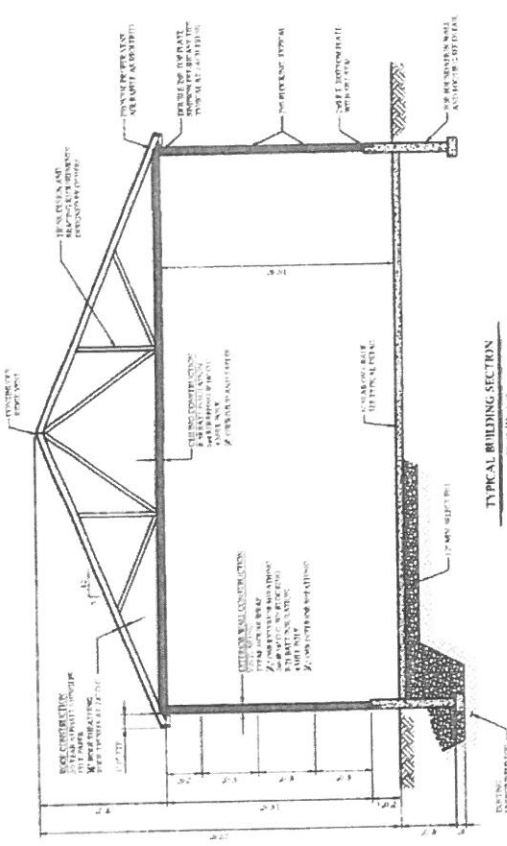


REAR - PROPOSED ELEVATION
SCALE: 1/4" = 1'-0"

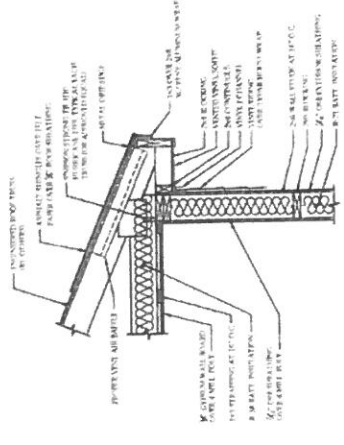
SEAN RUSSELL	
OWNER: RANDY CONCRETE	
DATE: 5/1	SCALE: 1/4" = 1'-0"
PROJECT: 40'-0" x 60'-0" GARAGE	
PROPOSED ELEVATIONS	



ROOF FRAMING PLAN
SCALE: 1/4" = 1'-0"



TYPICAL BUILDING SECTION
SCALE: 1/4" = 1'-0"



TYPICAL SOFFIT DETAIL
SCALE: 1/4" = 1'-0"

SEAN RUSSELL ARCHITECT & DESIGNER 1000 W. 10TH AVENUE DENVER, CO 80202	S-3 RANDY CONCRETE CHRY. MADE
40'-0" X 60'-0" GARAGE FRAMING PLAN, SECTIONS & DETAILS	

**Warranty Deed
(Maine Statutory Short Form)**

MAINE REAL ESTATE TAX-Paid

DLN: 1001940051054

KNOW ALL PERSONS BY THESE PRESENTS THAT, I, Tyler Karu Ready, with a mailing address of 88 Two Lights Road, Cape Elizabeth, Maine 04107, for valuable consideration paid, by **Randy Concrete, Inc., A Maine Corporation** with a mailing address of 27 Presidential Drive, Gray, Maine 04039, the receipt and sufficiency whereof is hereby acknowledged, does hereby GRANT, unto the said **Randy Concrete, Inc.,** with **WARRANTY COVENANTS,** a certain lot or parcel of real property, with the buildings thereon, situated in the Town of Gray, County of Cumberland, State of Maine, bounded and described as follows:

PROPERTY DESCRIBED IN "EXHIBIT A" ATTACHED HERETO AND MADE A PART HEREOF

Meaning and intending to convey and hereby conveying the same premises to conveyed to Tyler Karu Ready by virtue of a deed dated August 1, 2018 and recorded in the Cumberland County Registry of Deeds at Book 35052, Page 10.

The premises are conveyed together with and subject to any and all easements or appurtenances of record, insofar as the same are in force and applicable.

Witness my hand and seal this 28 day of February, 2019.

WITNESS



Tyler Karu Ready

STATE OF Maine
COUNTY OF Cumberland

Personally appeared before me on this 28 day of February, 2019 the above named Tyler Karu Ready and acknowledged the foregoing instrument to be her free act and deed.



Notary Public / Attorney At Law

Print Name

Jenilee Rose Bryant
State of Maine
Notary Public
Commission Expires:
September 16, 2021

EXHIBIT A

A certain parcel of land situated on the easterly side of Portland Road, also known as Route 100, in the Town of Gray, County of Cumberland, state of Maine being bounded and described as follows:

**Commencing on the easterly sideline of Portland Road at land now or formerly of John D. Phinney as described in a deed recorded in Book 2868 Page 79 in the Cumberland County Registry of Deeds (CCRD);
Thence S 00° 11' 22" W, by and along the easterly sideline of Portland Road, a distance of 238.38 feet to the Point of Beginning;**

Thence N 71° 21' 01" E a distance of 293.27 feet to a stone wall and land of John D. Phinney;

Thence S 56° 24' 02" E, by and along land of John D. Phinney and following along a stone wall, a distance of 360.16 feet;

Thence S 85° 36' 11" W a distance of 580.07 feet to the easterly sideline of Portland Road;

Thence N 00° 11' 22" E, by and along the easterly sideline of Portland Road, a distance of 150.00 feet to the Point of Beginning.

The parcel contains approximately 85,123 square feet.

Bearings are Grid North.

Reference is made to a plan entitled "Boundary Survey 297 Portland Road, Gray, Maine for: Matt Dibiase" dated July 2018 by Survey Inc.



**RESIDENTIAL BUILDING PERMIT
APPLICATION - TOWN OF GRAY MAINE**

Permit No: 22-684
Date Submitted: 9/28/22
Date Paid: 11/5/22

**PERMIT EXPIRES ONE YEAR FROM ISSUANCE DATE. RENEWABLE ONE TIME
PERMIT FEES ARE \$100 OR DOUBLED (WHICHEVER IS HIGHER) IF WORK BEGAN PRIOR TO**

PROPERTY			
Property Location/Address	<u>309 Portland rd</u>	Property Map/Lot	<u>069.041.029.001</u>
Zoning District	<u>Medium Density</u>	Lot Acreage	<u>11.80</u>
Number of Dwelling Units	<u>1</u>	Required Setbacks	Front Rear Side
Owner Name	<u>Russell Whitney</u>	DIG SAFE # (CALL 811)	

APPLICANT	
Name (IF different than owner)	<u>Randy Concrete & YANCO. LLC</u>
Mailing Address	<u>PO BOX 1150</u>
Mailing City/State/Zip	<u>Gray, ME 04039</u>
Contractor Name	<u>Russell Whitney</u>
Email Address	<u>207-212-1728</u>
Owner Phone Number	<u>207-212-1728</u>
Alternate Phone Number	
Contractor Phone Number	<u>207-212-1728</u>

PROJECT			
Approximate Project Dimensions	<u>50 x 60 = 2,976^{sq}</u>	Estimated Construction Cost	<u>\$ 67,500</u> (Required)
Project Description	<input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Renovation <input type="checkbox"/> Tear Down/Reconstruct <input type="checkbox"/> Addition <input type="checkbox"/> Demo		
Structure Type	<input type="checkbox"/> Home <input checked="" type="checkbox"/> Garage <input type="checkbox"/> Deck <input type="checkbox"/> Shed <input type="checkbox"/> Other (explain below)		

Project Description / Comments:
Cold Storage Garage For RV + Boats

A COMPLETE APPLICATION REQUIRES
 Plot Plan/Survey
 Construction Documents
 Septic Design (3 Copies)

** FINAL OCCUPANCY INSPECTION IS REQUIRED FOR YOUR SAFETY **
 I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE

Applicant Signature [Signature] **Date** 9/29/22

FOR CODE ENFORCEMENT OFFICE USE ONLY

Conditions	#	Price	
<u>5952^{sq} FNDN @ 1st FL</u> <u>+ SEPERATE ELECTRICAL PERMIT REQUIRED</u> <u>+ PERSONAL USE ONLY (AS STATED IN DESCRIPTION)</u> <u>+ USES MUST COMPLY WITH CHP 402 (GRAY ZONING ORDINANCE)</u>		Administration Fee	<u>1</u> x \$25.00 = \$ <u>25</u>
		Minimum Permit Fee	<u>1</u> x \$25.00 = \$ <u>25</u>
		Foundation / Unfinished (per sq ft)	<u>5952</u> x \$0.30 = \$ <u>1785.60</u>
		Finished Floor (per sq ft)	___ x \$0.35 = \$ ___
		Certificate of Occupancy	___ x \$50.00 = \$ ___
		Heating System	___ x \$50.00 = \$ ___
		New Dwelling Unit (per each)	___ x \$400.00 = \$ ___
		Total Building Permit Fee	\$ <u>1810.60</u>
		Separate Permits which may be applicable:	
		Septic System (\$290)	___ x = \$ ___
	Driveway/entrance	___ x \$100.00 = \$ ___	
	Demo	___ x \$100.00 = \$ ___	
	Permit renewal (one time only)	___ x \$100.00 = \$ ___	
	Total	\$ <u>1810.60</u>	

CODE ENFORCEMENT OFFICER APPROVAL

Signature of CEO [Signature] Date 11/17/2022 Conditions (if any)

309 Portland Rd

69-41-29-1

UNF

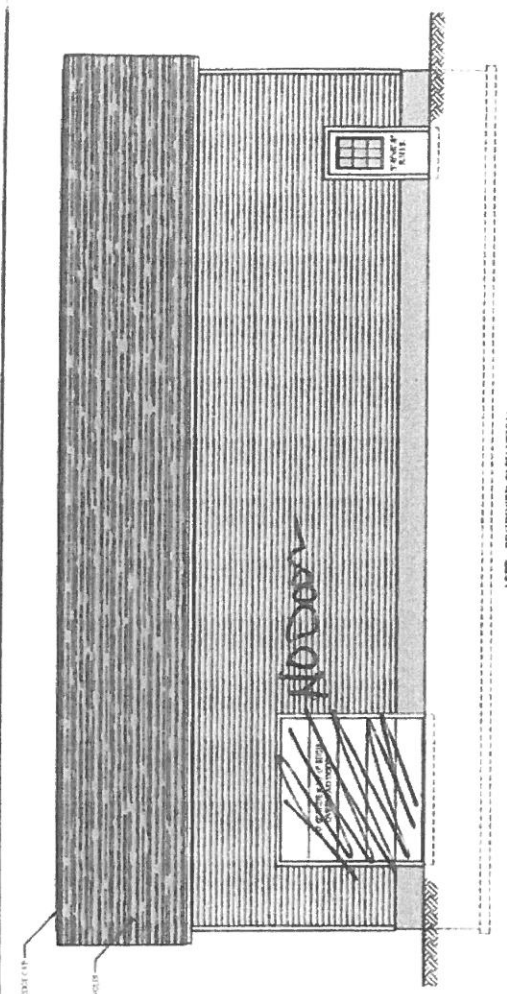
END'N

$$2400 + 576 = 2976$$

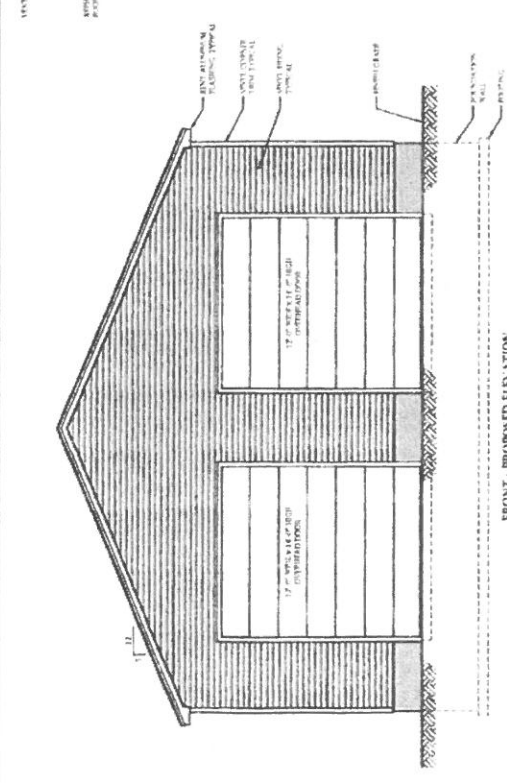
1st F1

$$2400 + 576 = 2976$$

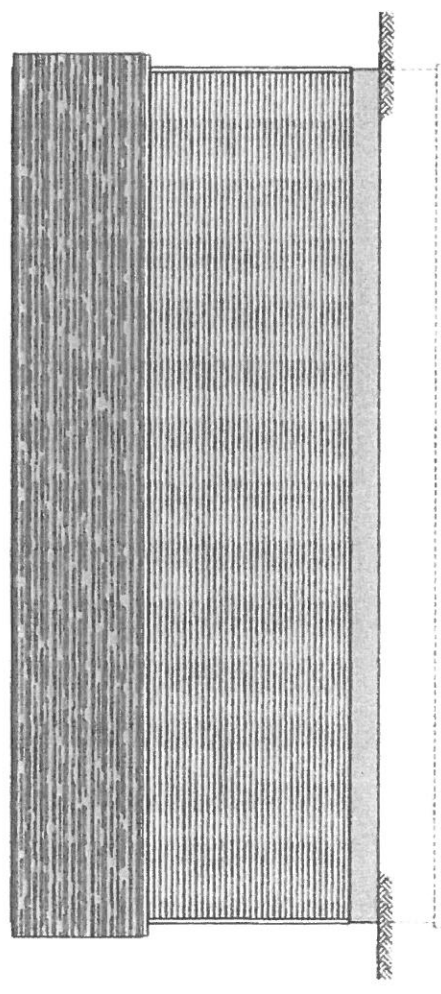
5952 SF.



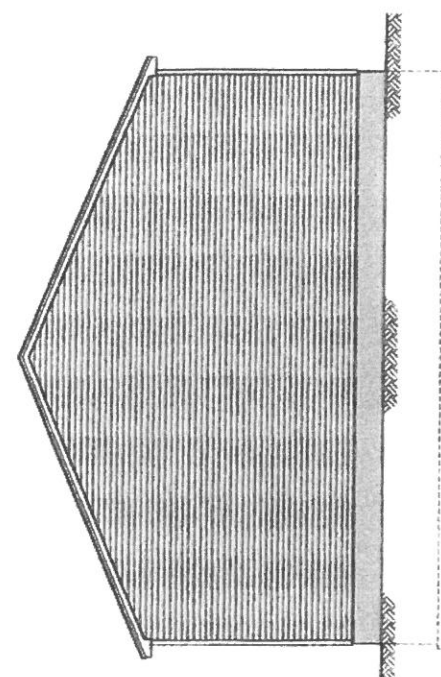
FRONT - PROPOSED ELEVATION
SCALE: 1/8" = 1'-0"



LEFT - PROPOSED ELEVATION
SCALE: 1/8" = 1'-0"

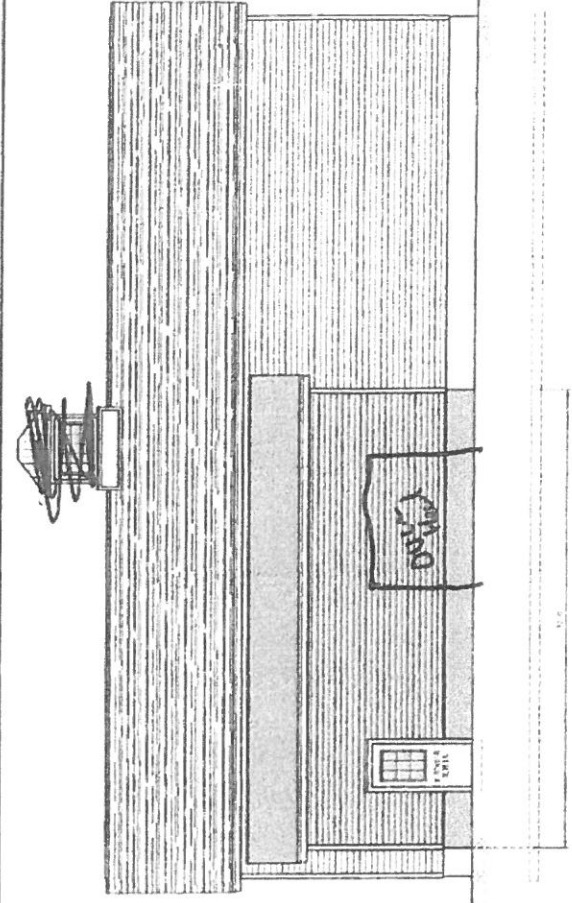


RIGHT - PROPOSED ELEVATION
SCALE: 1/8" = 1'-0"

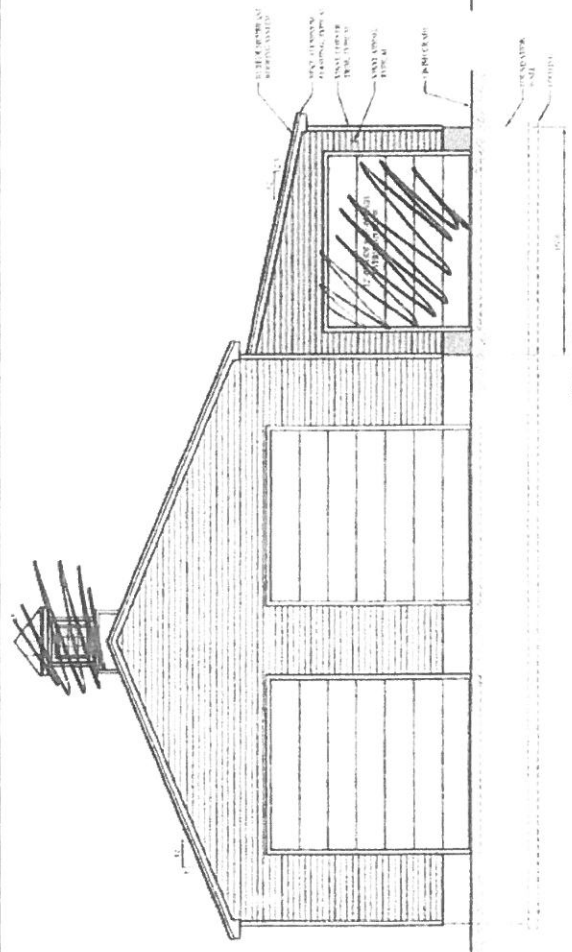


REAR - PROPOSED ELEVATION
SCALE: 1/8" = 1'-0"

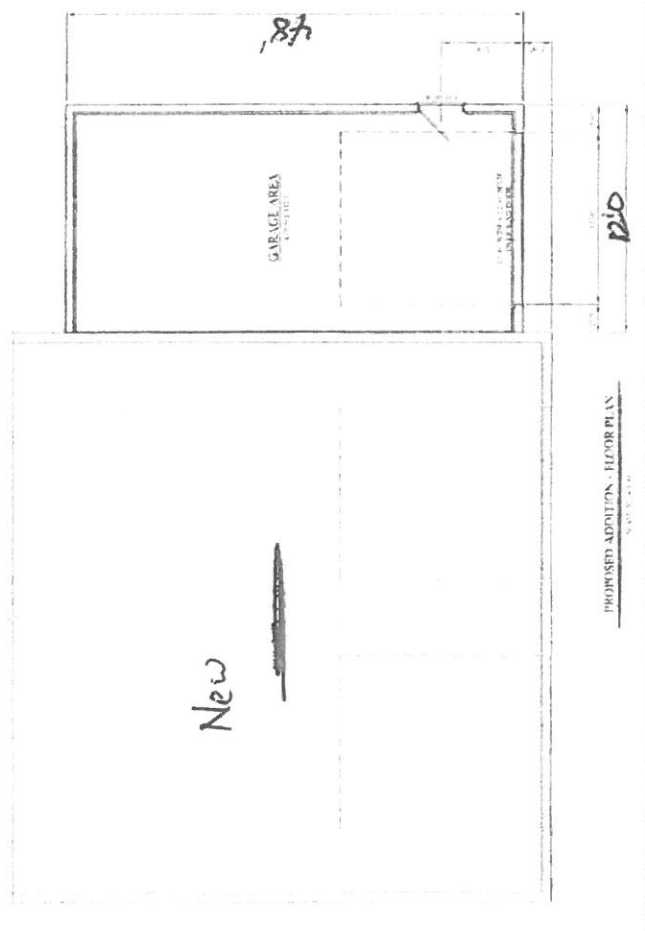
SEAN RUSSELL		DATE: 08/27/16	
ARCHITECT & DESIGN SERVICES		PROJECT: 16077	
PROJECT NO:	8-1	SHEET NO:	
CUSTOMER:	Whitney	DATE: 08/27/16	
TITLE:	40'-0" X 80'-0" GARAGE PROPOSED ELEVATIONS		



RIGHT - PROPOSED ELEVATION
DATE: 12/11/10



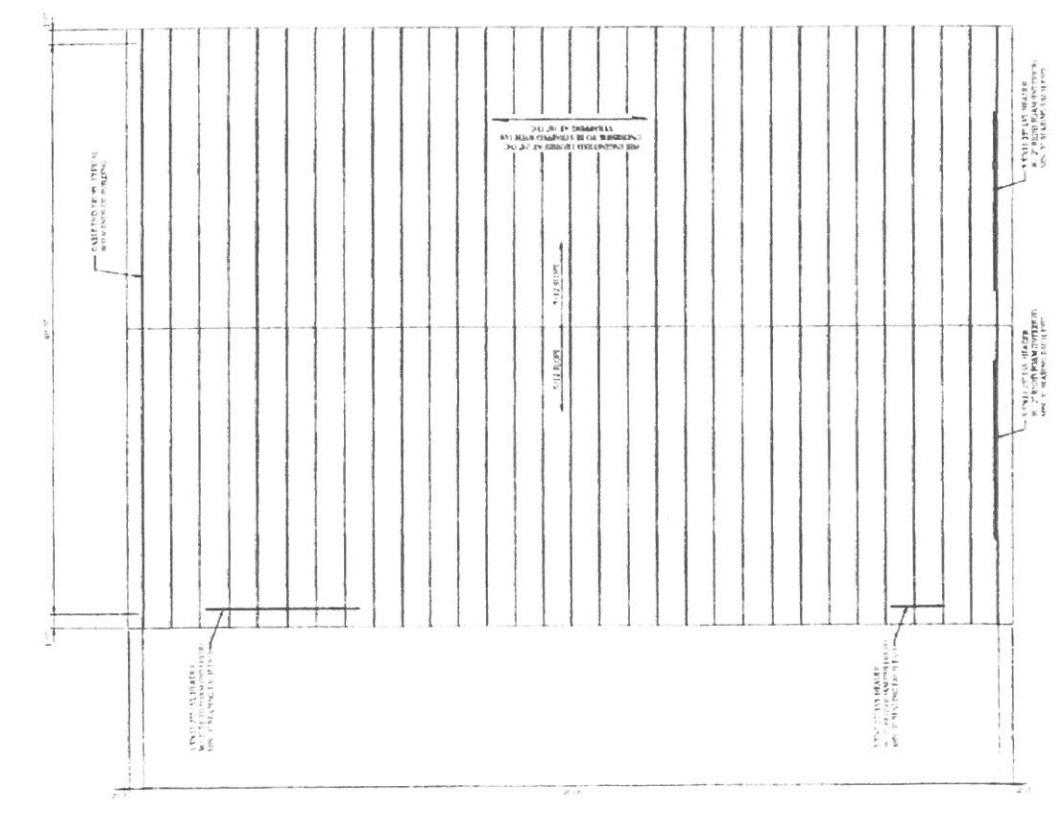
FRONT - PROPOSED ELEVATION
DATE: 12/11/10



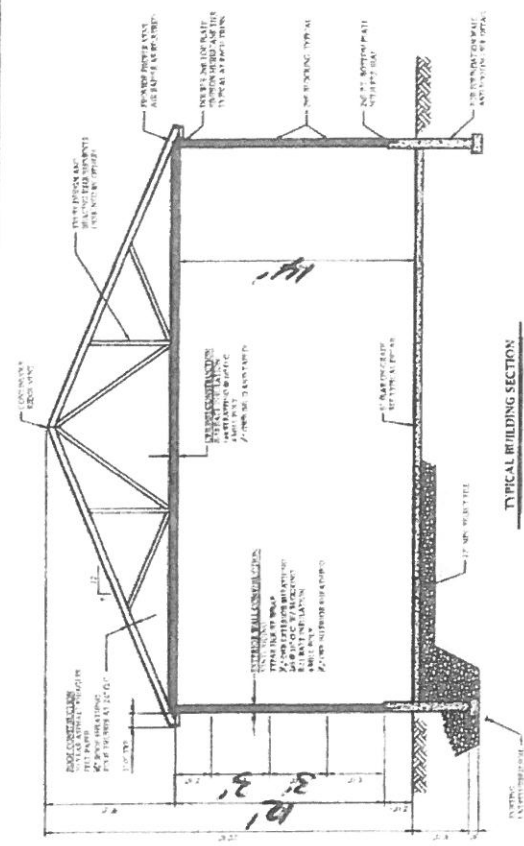
PROPOSED ADDITION - FLOOR PLAN
DATE: 12/11/10

SEAN RUSSELL
ARCHITECTURE & DESIGN
12771 MCQUEEN
PORTLAND, OR 97229
503.255.1111

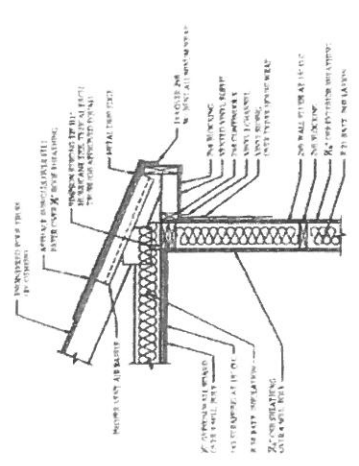
12771 MCQUEEN ROAD
GARAGE ADDITION
ELEVATIONS, FLOOR PLAN



ROOF FRAMING PLAN
SCALE: 1/4" = 1'-0"



TYPICAL BUILDING SECTION
SCALE: 1/4" = 1'-0"



TYPICAL SOFFIT DETAIL
SCALE: 1/4" = 1'-0"

SEAN RUSSELL
DRAWING & DESIGN SERVICES
12711 130TH AVE SE
SUITE 100
BELLEVUE, WA 98006
PHONE: 206.451.1000
WWW.SRDSVCS.COM

CLIENT: [Signature]

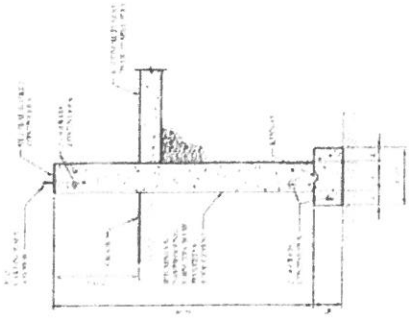
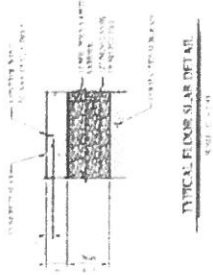
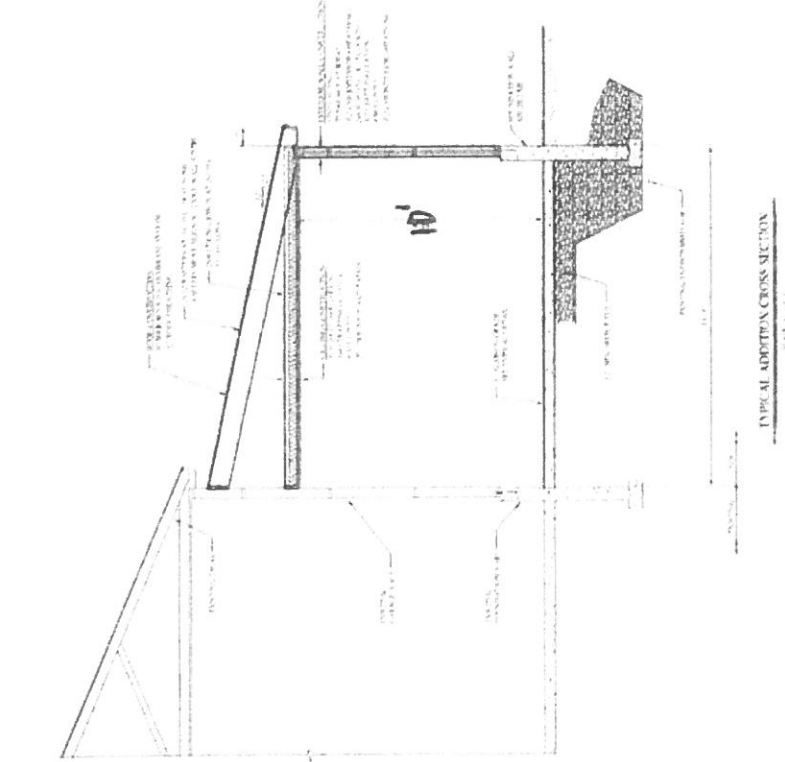
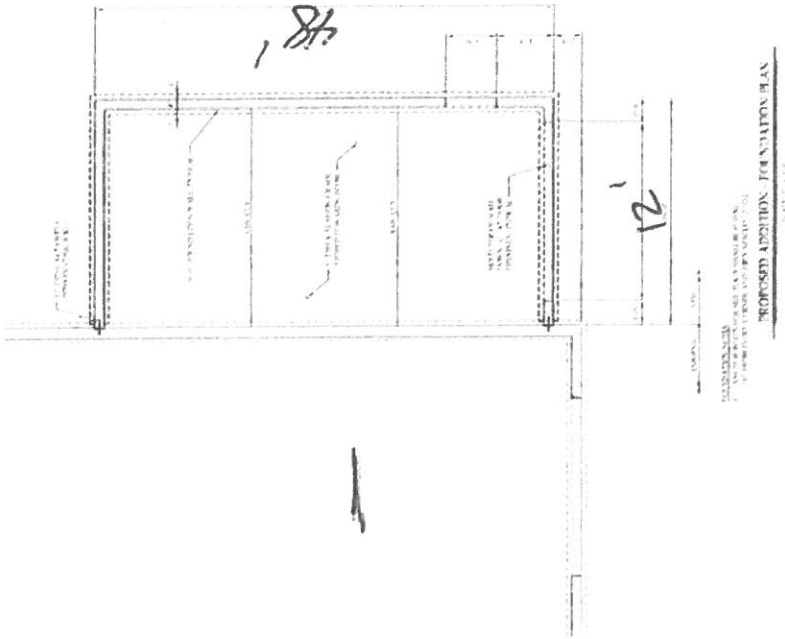
DATE: 1/11/11

PROJECT: 40'-0" X 60'-0" GARAGE
FRAMING PLAN, SECTIONS & DETAILS

5-3

CONCRETE NOTES

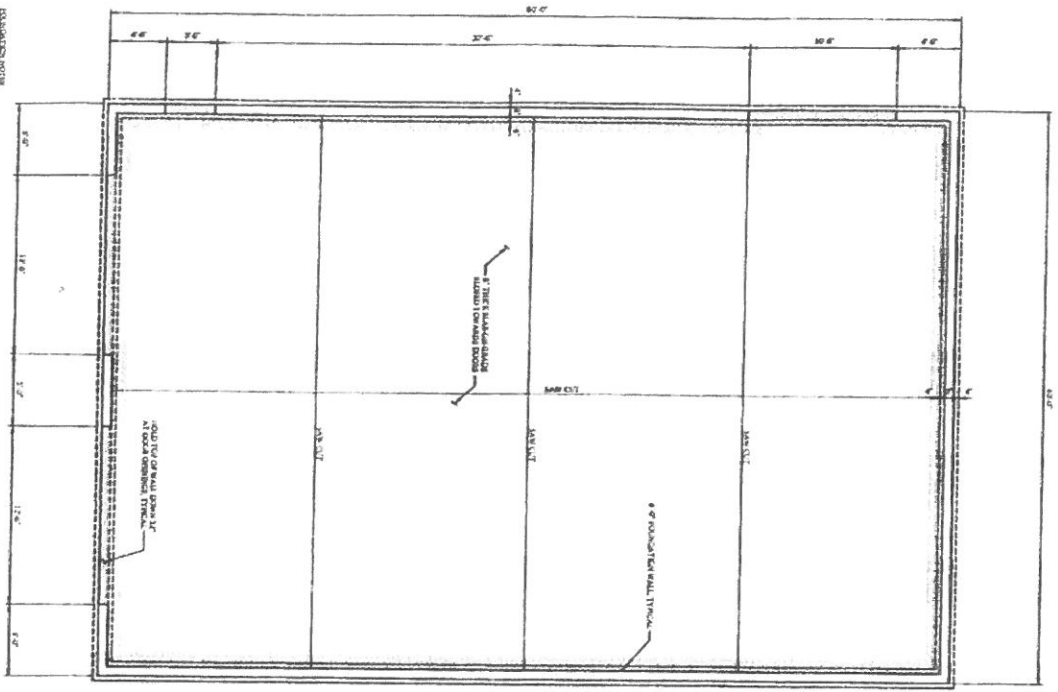
1. ALL CONCRETE SHALL BE 4000 PSI COMPRESSIVE STRENGTH.
2. ALL CONCRETE SHALL BE CAST IN PLACE.
3. ALL CONCRETE SHALL BE CAST WITH 1% STEEL FIBERS.
4. ALL CONCRETE SHALL BE CAST WITH 1% POLYPROPYLENE FIBERS.
5. ALL CONCRETE SHALL BE CAST WITH 1% POLYPROPYLENE FIBERS.
6. ALL CONCRETE SHALL BE CAST WITH 1% POLYPROPYLENE FIBERS.
7. ALL CONCRETE SHALL BE CAST WITH 1% POLYPROPYLENE FIBERS.
8. ALL CONCRETE SHALL BE CAST WITH 1% POLYPROPYLENE FIBERS.
9. ALL CONCRETE SHALL BE CAST WITH 1% POLYPROPYLENE FIBERS.
10. ALL CONCRETE SHALL BE CAST WITH 1% POLYPROPYLENE FIBERS.
11. ALL CONCRETE SHALL BE CAST WITH 1% POLYPROPYLENE FIBERS.
12. ALL CONCRETE SHALL BE CAST WITH 1% POLYPROPYLENE FIBERS.
13. ALL CONCRETE SHALL BE CAST WITH 1% POLYPROPYLENE FIBERS.
14. ALL CONCRETE SHALL BE CAST WITH 1% POLYPROPYLENE FIBERS.
15. ALL CONCRETE SHALL BE CAST WITH 1% POLYPROPYLENE FIBERS.
16. ALL CONCRETE SHALL BE CAST WITH 1% POLYPROPYLENE FIBERS.
17. ALL CONCRETE SHALL BE CAST WITH 1% POLYPROPYLENE FIBERS.
18. ALL CONCRETE SHALL BE CAST WITH 1% POLYPROPYLENE FIBERS.
19. ALL CONCRETE SHALL BE CAST WITH 1% POLYPROPYLENE FIBERS.
20. ALL CONCRETE SHALL BE CAST WITH 1% POLYPROPYLENE FIBERS.



SEAN RUSSELL
 ARCHITECT
 12345 PORTLAND ROAD
 PORTLAND, ME 04101
 TEL: 603-555-1234
 FAX: 603-555-5678
 E: SEAN@SEANRUSSELL.COM
 WWW: SEANRUSSELL.COM

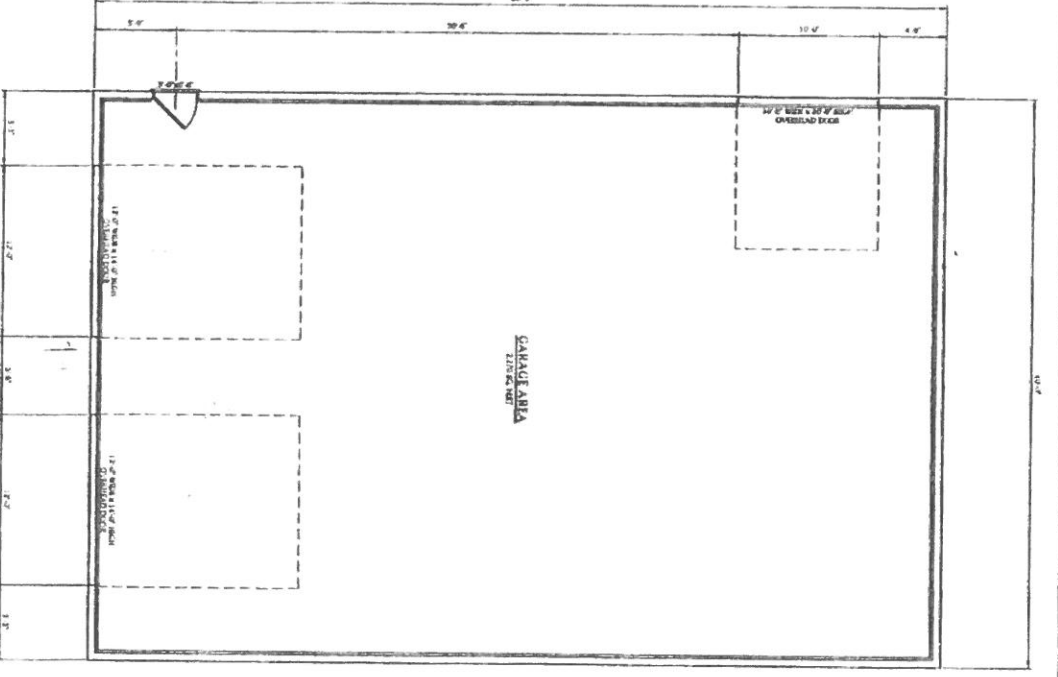
PROJECT: 12345
 SHEET: S-3
 DATE: 12/15/2023

**12345 PORTLAND ROAD
 GARAGE ADDITION
 FOUNDATION PLAN, SECTIONS & DETAILS**

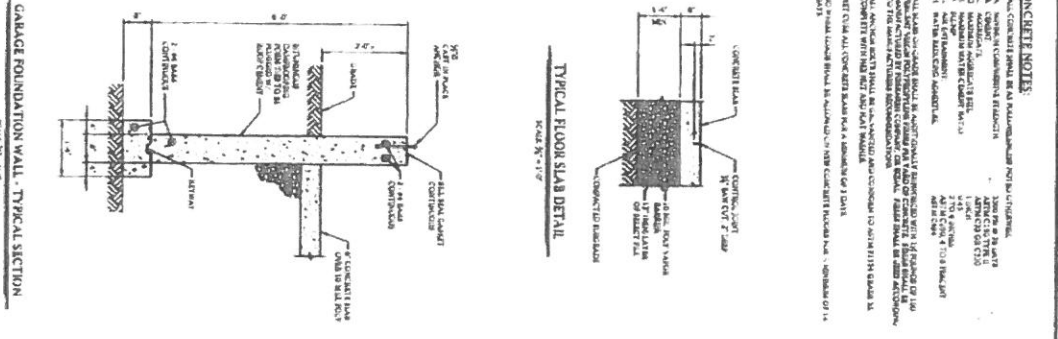


FOUNDATION PLAN
SCALE: 1/4" = 1'-0"

- CONCRETE NOTES:
1. ALL CONCRETE SHALL BE AT LEAST 28-DAY CURE.
 2. ALL CONCRETE SHALL BE PLACED IN PLACE.
 3. ALL CONCRETE SHALL BE PLACED IN PLACE.
 4. ALL CONCRETE SHALL BE PLACED IN PLACE.
 5. ALL CONCRETE SHALL BE PLACED IN PLACE.
 6. ALL CONCRETE SHALL BE PLACED IN PLACE.
 7. ALL CONCRETE SHALL BE PLACED IN PLACE.
 8. ALL CONCRETE SHALL BE PLACED IN PLACE.



PROPOSED FLOOR PLAN
SCALE: 1/4" = 1'-0"



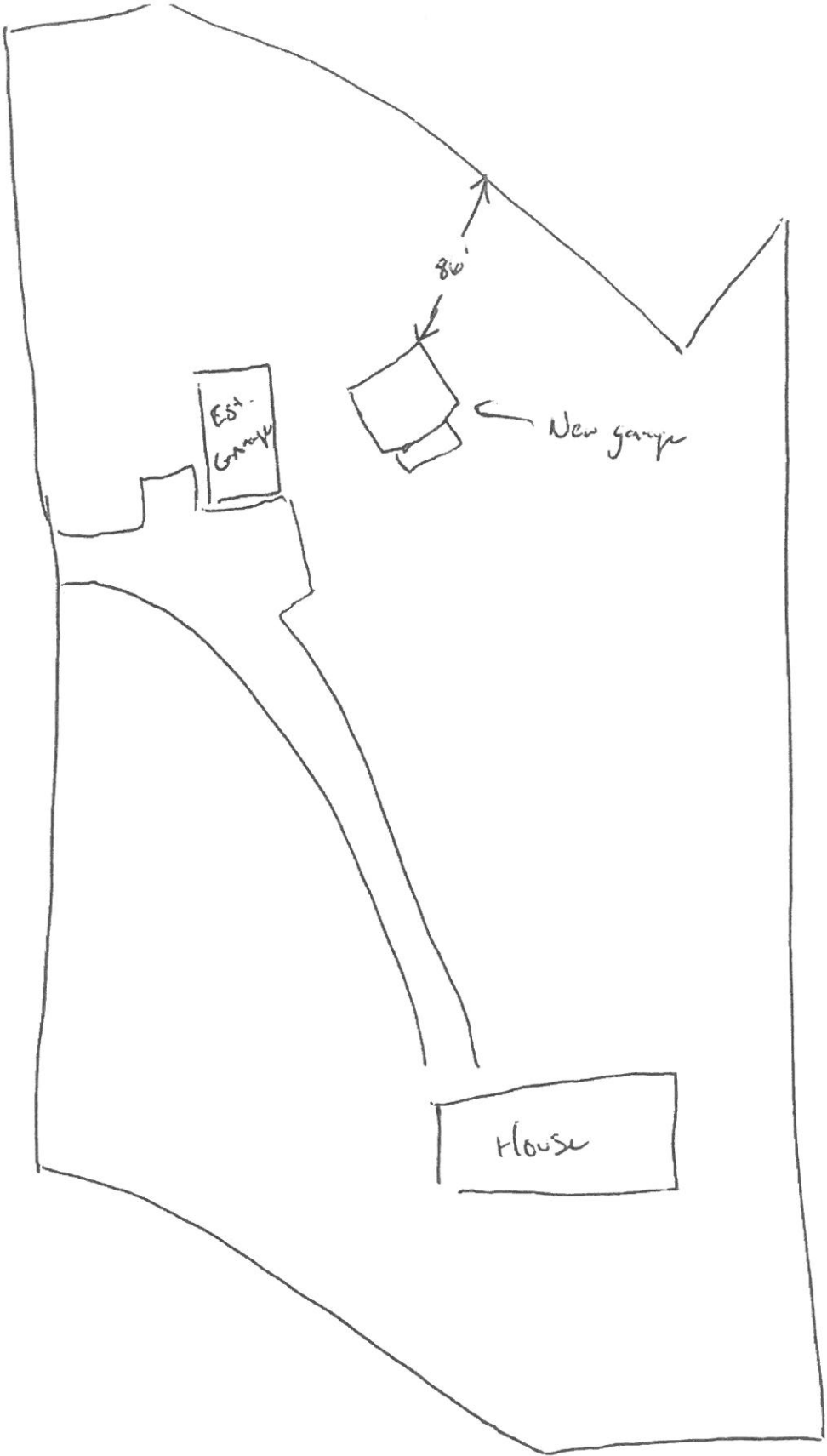
TYPICAL FLOOR SLAB DETAIL
SCALE: 1/4" = 1'-0"

GARAGE FOUNDATION WALL - TYPICAL SECTION
SCALE: 1/4" = 1'-0"

- CONCRETE NOTES:
1. ALL CONCRETE SHALL BE AT LEAST 28-DAY CURE.
 2. ALL CONCRETE SHALL BE PLACED IN PLACE.
 3. ALL CONCRETE SHALL BE PLACED IN PLACE.
 4. ALL CONCRETE SHALL BE PLACED IN PLACE.
 5. ALL CONCRETE SHALL BE PLACED IN PLACE.
 6. ALL CONCRETE SHALL BE PLACED IN PLACE.
 7. ALL CONCRETE SHALL BE PLACED IN PLACE.
 8. ALL CONCRETE SHALL BE PLACED IN PLACE.

SEAN RUSSELL
CHARITING & DESIGN SERVICES
5-2
4377 BOWEN RD
WILSON

40'-0" x 60'-0" GARAGE
FLOOR PLAN, FOUNDATION PLAN & DETAILS





TOWN OF GRAY

Henry Pennell Municipal Complex
24 Main St, Gray Maine 04039
www.graymaine.org

CODE ENFORCEMENT OFFICE

Tammy Munson, Lead Code Enforcement Officer
ceo@graymaine.org

01.19.2023

RANDALL WHITNEY
JAMIE MACKINNON
309 PORTLAND ROAD
GRAY, ME 04039

RE: 309 PORTLAND ROAD

TAX MAP/LOT: 069-041-029-001

CERTIFIED RECEIPT # 7007 1490 0004 3741 1750

NOTICE OF VIOLATION

DEAR RANDALL WHITNEY:

An inspection was performed, and it was noted that unpermitted business is being conducted at the above referenced location. Randy Concrete Company operates a concrete and contracting business on site without the benefits of permits. There are several large commercial vehicles, concrete forms and various construction equipment being stored on the property and in large accessory buildings that you stated were intended for recreational vehicles and personal use.

The Town of Gray's Zoning Ordinance defines Construction Services as follows:

Construction Services: Uses such as plumbing, painting, building, well drilling, carpentry or electrical installation and excavating.

The above referenced location is located in the Medium Density district. Per the Town of Gray's Table 402.5.3 Permitted Uses and Conditional Permitted Uses, construction services is strictly prohibited in the Medium Density District.

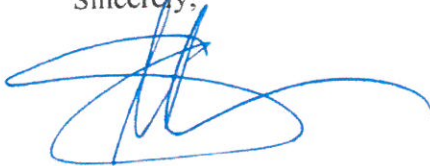
Section 402.5.2 Legal Rights and Responsibilities to Uses of Land and Property Section C of the Town of Gray's Zoning Ordinance states:

Prohibited Uses include any use not specifically listed as a Permitted Use or a Conditional Permitted Use. All unlisted land uses are prohibited on all lots and property in Gray unless specifically provided for by State law and regulated by the State (e.g., forestry).

The business operation must CEASE and DESIST immediately. All equipment, product, and anything else associated with this business must be removed from the property within 30 days of the date of this letter.

This constitutes an appealable decision per section 402.9.2. If I can be of further assistance, please contact me at 207-657-3112.

Sincerely,



Tammy Munson
Code Enforcement Officer





U.S. Postal Service TM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

7007 2004 3741 1750

Postage \$	
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	

Postmark
Here

Sent
 by
 Sirén
 or PI
 City,
 Randall Whitney
 Jamie Mackinnon
 PO Box 1150
 Gray, ME 04039

PS Form 3800, August 2006

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Address



Randall Whitney
 Jamie Mackinnon
 PO Box 1150
 Gray, ME 04039



9590 9402 6068 0125 6365 53

2. Article Number (Transfer from carrier label)

7007 1490 0004 3741 1750

over 3000

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

Signature

X *Randall Whitney*

Agent

Addressee

C. Date of Delivery

1/25/23

B. Received by (Printed Name)

Randall Whitney

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

- Priority Mail Express®
- Registered MailTM
- Adult Signature Restricted Delivery / Delivery
- Certified Mail®
- Return Receipt for Merchandise
- Collect on Delivery
- Signature ConfirmationTM
- Restricted Delivery

Domestic Return Receipt



TOWN OF GRAY

Henry Pennell Municipal Complex
24 Main St, Gray Maine 04039
www.graymaine.org

CODE ENFORCEMENT OFFICE
Tammy Munson, Lead Code Enforcement Officer
ceo@graymaine.org

02.27.2023

RANDALL WHITNEY
JAMIE MACKINNON
309 PORTLAND ROAD
GRAY, ME 04039

RE: 309 PORTLAND ROAD

TAX MAP/LOT: 069-041-029-001

CERTIFIED RECEIPT # 7190 1886 9780 0423 4854

SECOND NOTICE OF VIOLATION

DEAR RANDALL WHITNEY:

An inspection was performed, and it was noted that unpermitted business is being conducted at the above referenced location. Randy Concrete Company operates a concrete and contracting business on site without the benefits of permits. There are several large commercial vehicles, concrete forms and various construction equipment being stored on the property and in large accessory buildings that you stated were intended for recreational vehicles and personal use.

The Town of Gray's Zoning Ordinance defines Construction Services as follows:

Construction Services: Uses such as plumbing, painting, building, well drilling, carpentry or electrical installation and excavating.

The above referenced location is located in the Medium Density district. Per the Town of Gray's Table 402.5.3 Permitted Uses and Conditional Permitted Uses, construction services is strictly prohibited in the Medium Density District.


Section 402.5.2 Legal Rights and Responsibilities to Uses of Land and Property Section C of the Town of Gray's Zoning Ordinance states:

Prohibited Uses include any use not specifically listed as a Permitted Use or a Conditional Permitted Use. All unlisted land uses are prohibited on all lots and property in Gray unless specifically provided for by State law and regulated by the State (e.g., forestry).

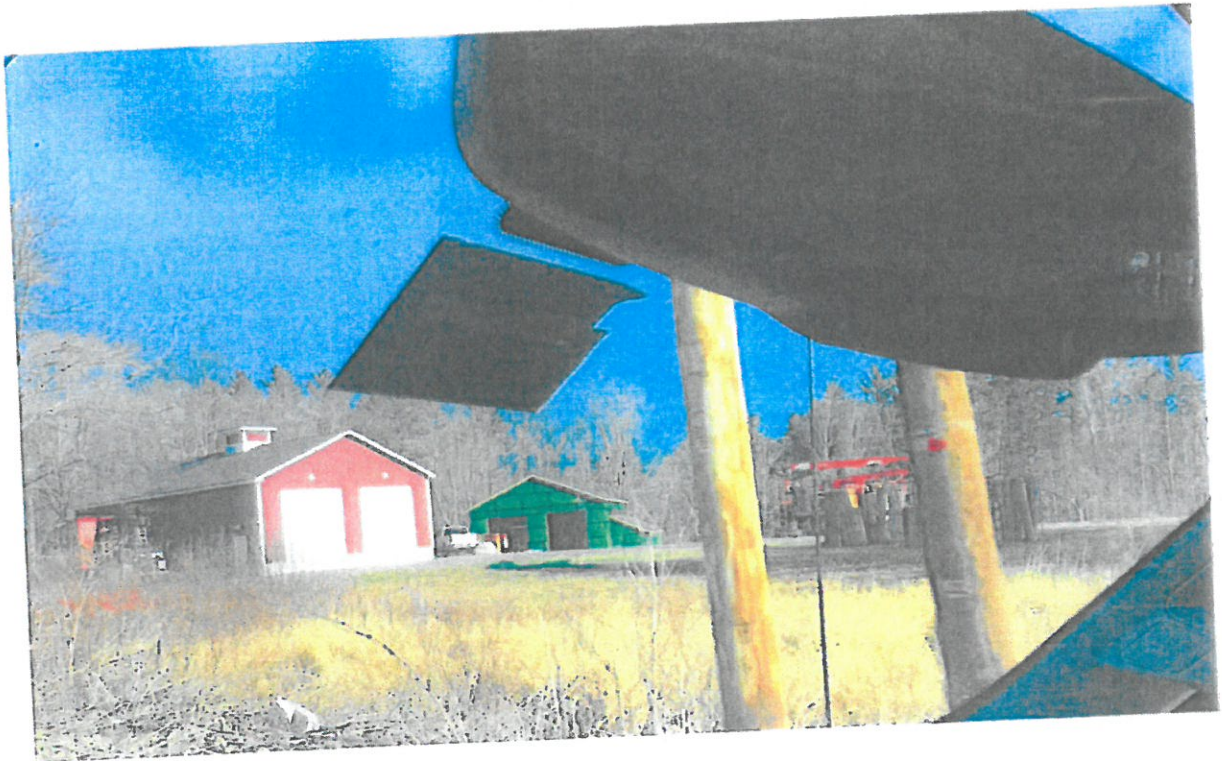
The business operation must CEASE and DESIST immediately. All equipment, product, and anything else associated with this business must be removed from the property within 30 days of the date of this letter.

This constitutes an appealable decision per section 402.9.2. within 30 days from the date of this letter. If I can be of further assistance, please contact me at 207-657-3112.

Sincerely,



Tammy Munson
Code Enforcement Officer





TEAR FROM BOTTOM UP →

1. Article Addressed to:

WHITNEY, RANDALL
MACKINNON, JAMIE
PO BOX 1150
GRAY ME 04039

9290 9901 8869 7804 2348 61

2. Article Number (Transfer from service label)
7190 1886 9780 0423 4854

PS Form 3811, (facsimile) July, 2015

FOLD BACK TO REMOVE CARD →

CERTIFIED MAIL

COMPLETE THIS SECTION ON DELIVERY

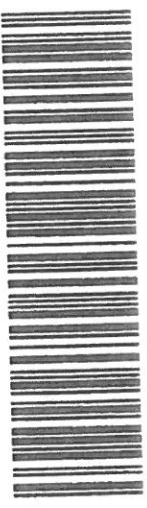
A. Signature X
 Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Insured Mail
 - Insured Mail Restricted Delivery (over \$500)
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Return Receipt for Merchandise
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

Domestic Return Receipt



7190 1886 9780 0423 4854

TOWN OF GRAY
24 MAIN STREET
GRAY ME 04039-9407

WHITNEY, RANDALL
MACKINNON, JAMIE
PO BOX 1150
GRAY ME 04039
E37570P288 E35488P163 E35438P39 4875
MapLot: 069-041-029-001

← TEAR FROM BOTTOM UP

← FOLD BACK TO REMOVE CARD

COMPLETE THIS SECTION ON DELIVERY

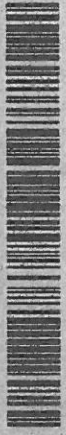
A. Signature Agent Addressee

B. Received by (Printed Name) *Roller* C. Date of Delivery *3/1*

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below.

1. Article Addressed to:

WHITNEY, RANDALL
MACKINNON, JAMIE
PO BOX 1150
GRAY ME 04039



9290 9901 8869 7804 2348 51

2. Article Number (Transfer from service label)
7190 1886 9780 0423 4854

PS Form 3811, (facsimile) July, 2015

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt

Registration Menu

Results

OWNER	CLASS	PLATE	YEAR	MAKE	MODEL	EXPIRES
RANDALL WHITNEY	PC/P2	408BXE	2018	CHEV	SILVER	02/28/2023
RANDALL WHITNEY	CO/CO	790-394	2006	CHEV	3500	09/30/2013
RANDALL WHITNEY	CO/CO	1A-7258	1996	FORD	CONVEN	10/31/2016
RANDALL WHITNEY	CO/CO	3C-4883	2017	PTRB	567	10/31/2023
RANDALL WHITNEY	CO/CO	3C-4882	2015	PTRB	567	10/31/2023
RANDALL WHITNEY	PC/P2	5396XT	2019	CHEV	SILVER	12/31/2023
RANDALL WHITNEY	PC/P2	6212WJ	2017	CHEV	SILVER	10/31/2019
RANDALL WHITNEY	CO/CO	8A-2467	2013	GMC	SILVER	12/31/2020
RANDALL WHITNEY	CO/CO	7A-2558	2013	GMC	EXPRES	10/31/2018
RANDY WHITNEY	CO/CO	7C-8783	2018	FORD	F550SU	09/30/2023
RANDY WHITNEY	TL/L4	B734244	2017	BIG	TEX	02/28/2021
RUBY C WHITNEY	PC/11	743MH	1999	DODG	DURANG	07/31/2008

RECORDS RETURNED - 102

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MOTOR VEHICLE

- Registration Menu
- Process End of Period
- Process BMW Update File
- Inventory Maintenance
- Exception Report Items
- Printing
- Vehicle History
- Table / Option Processing
- Fleet Master Add / Update
- Blue Book
- Inventory Status
- Rapid Renewal
- New To System / Update
- Teller Closeout
- Gift Certificates
- File Maintenance

Logged in as
Cynthia Schaeffer

Type here to search

TRIO | gray.trio-web.com | Bureau of Motor Vehicles, Reg... | 2021 rice trailer - Google Search | MSAD15 - MSAD15... | Welcome to 2020... | Collections Status | Account Maintenance | Registration Menu

MOTOR VEHICLE

- Registration Menu
- Process End of Period
- Process BMV Update File
- Inventory Maintenance
- Exception Report Items
- Printing
- Vehicle History
- Table / Option Processing
- Fleet Master Add / Update
- Blue Book
- Inventory Status
- Rapid Renewal
- New To System / Update
- Teller Closeout
- Gift Certificates
- File Maintenance

Logged In as Cynthia Schaeffer

Registration Menu

Results

OWNER	CLASS	PLATE	YEAR	MAKE	MODEL	EXPIRES
BRANDY WOOTERS	PCIP2	9113SW	2021	HOND	CIVIC	03/31/2024
BRANDY WOOTERS	PCIP2	9889XK	2016	JEEP	WRANGL	06/30/2023
RANDY CONCRETE	COICO	9A-6069	2009	MACK	MRU	04/30/2019
RANDY CONCRETE INC	COICO	7C-8767	2020	FORD	F550	07/31/2023
RANDY CONCRETE INC	TL/L4	C195072	2021	RICE	FLATBE	02/28/2023
RANDY COPP	TL/L2	C220225	2022	DCSV	TRAILE	02/29/2024
RANDY COPP	MCMC	610NH	2016	POLA	SLINGS	03/31/2023
RANDY COPP	TL/L2	B615307	2015	HDME	HOMEMA	07/31/2016
RANDY CUNNINGHAM	PCIP2	4135WU	2023	HOND	HR-V	06/30/2023
RANDY CUNNINGHAM	VT/L1	9678A1	2021	HOND	CIVIC	06/30/2023
RANDY GEOFFROY	PCIP2	982LY	2010	SUBA	FOREST	12/31/2011
RANDY J CUNNINGHAM	PCIP2	1589GS	2010	HOND	CROSST	11/30/2018

RECORDS RETURNED - 28

[Return](#) [Get Info](#)

Chapter 402 Gray Zoning Ordinance

TABLE 402.5.3 TABLE OF PERMITTED USES AND CONDITIONAL PERMITTED USES

		RRA	LD*	MD	BD-1	BD-2	C	VC*	VCP*	BT-1*	BT-2*	WH-1*	WH-2*	LMOD	CSES OD
1.	Accessory Apartment ‡	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C		P/C		
2.	Accessory Uses and Structures	P	P	P	P	P	P	P	P	P	P	P	P		
3.	Adult Business*						C								
4.	Agritourism Center*	C													
5.	Agritourism Facility*	C													
6.	Animal Husbandry	P	P		C	C	C				C		C		
7.	Auto Body Shop				C	C	C								
8.	Auto Repair Garage						C								
9.	Auto Service Station				C	C									
10.	Bed and Breakfast ‡	C	C	C	P	P	P	P	P	P	C		C		
11.	Building Trades Occupations – 1	P	P	P	P	P	P	P	P	P	P	C	P		
12.	Campground ‡	C	C												
13.	Cemetery	P					C								
14.	Church	P	P	P	P	P		C	C		C		C		
15.	Commercial Recreation - Indoor or Outdoor	C	C		C	C	C	C	C	C	C		C		
16.	Community Living Arrangement	P	P	P	P	P	P	P	P	P	P	P	P		
17.	Construction Services				P	P					C		C		
18.	Day Care Facility for Five (5) or fewer clients.	P	P	P	P	P	P	P	P	P	P		P		
19.	Day Care Facility for Six (6) or more	C	C	C	C	C	C			C	C		C		
20.	Drive Through and Drive in Facility					C	C			C	C		C		
21.	Expansion of Nonconforming Uses	C	C	C	C	C	C	C	C	C	C	C	C		

Company Snapshot
RANDY CONCRETE INC
 USDOT Number: 2030316

USDOT Number
 MC/IX Number
 Name
 Enter Value:

ID/Operations | [Inspections/Crashes In US](#) | [Inspections/Crashes In Canada](#) | [Safety Rating](#)

Other Information for this Carrier
[SMS Results](#)
[Licensing & Insurance](#)

Carriers: If you would like to update the following ID/Operations information, please complete and submit form [MCS-150](#) which can be obtained [online](#) or from your State FMCSA office. If you would like to challenge the accuracy of your company's safety data, you can do so using FMCSA's [DataQs](#) system.

Carrier and other users: FMCSA provides the Company Safety Profile (CSP) to motor carriers and the general public interested in obtaining greater detail on a particular motor carrier's safety performance than what is captured in the Company Snapshot. To obtain a CSP please visit the [CSP order page](#) or call (800)832-5660 or (703)280-4001 (Fee Required).

For help on the explanation of individual data fields, click on any field name or for help of a general nature go to [SAFER General Help](#).

The information below reflects the content of the FMCSA management information systems as of 04/17/2023.

Entity Type: CARRIER	Out of Service Date: None
Operating Status: ACTIVE	
Legal Name: RANDY CONCRETE INC	
DBA Name:	
Physical Address: 309 PORTLAND RD GRAY, ME 04039	
Phone: (207) 212-1728	
Mailing Address: PO BOX 1150 GRAY, ME 04039	
USDOT Number: 2030316	State Carrier ID Number:
MC/MX/FF Number(s):	DUNS Number: -
Power Units: 2	Drivers: 2
MCS-150 Form Date: 12/16/2022	MCS-150 Mileage (Year): 8,268 (2021)
Operation Classification:	
Auth. For Hire:	Priv. Pass. (Non-business): State Gov't
Exempt For Hire:	Migrant: Local Gov't
x Private(Property):	U.S. Mail: Indian Nation
Priv. Pass. (Business):	Fed. Gov't:
Interstate:	Intrastate Only (HM): x Intrastate Only (Non-HM)
Carrier Operation:	

Town of Gray Zoning Map showing 309 Portland Road located in a Medium Density Zoning District.

